

## 2005

### ELECTED, APPOINTED AND ADMINISTRATIVE ROSTER

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<b>BOARD OF APPEALS:</b>	Albert Hayes, Chairperson Robert Sharps, Vice Chairperson James Patterson James Pfefferkorn Maurice Simkins
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**AMENDMENTS  
TO THE  
HOWARD COUNTY ZONING REGULATIONS**

<b>Case Number</b>	<b>Effective Date</b>	<b>Revised Section</b>
ZRA-45 (Council Bill 50-2004)	9/27/04	103.A.4.a (1) & (2) b, & c 115.B.1, 35.a 116.B.34.a 118.B.1 119.B.1 120.B.1 128.H
ZRA-47 (Council Bill 37-2004)	9/08/04	131.I.3.e
ZRA-48 (Council Bill 38-2004)	9/08/04	127.2, B.9
ZRA-49 (Council Bill 34-2004)	9/08/04	127.C.6.b (4)(b) 127.5, E.3.e (2)
ZRA-53 (Council Bill 58-2004)	1/04/05	103.A.3 (deleted) 128.A.12.a.b.c (added)
ZRA-54 (Council Bill 60-2004)	12/6/04	113.3.B.5
ZRA-55 (Council Bill 75-2004)	2/08/05	103.A.102.a.b.c 127.2, B.25 127.2, E.5 (added)
ZRA-58 (Council Bill 39-2005)	9/06/05	127.2, B.13

## **SECTION 100: General Provisions**

### **A. Legislative Intent**

These zoning regulations and maps are being enacted for the purpose of preserving and promoting the health, safety and welfare of the community.

It is the intention of the Zoning Board to guide the future growth and development of the County in accordance with a General Plan which represents the most beneficial and convenient relationships among the residential, non-residential and public areas within the County considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and modes of living, and future requirements; and considering such conditions, trends and requirements, both within the County and in relationship to areas outside thereof. It is further the intent of these regulations:

1. To provide adequate light, air and privacy; to secure safety from fire and other danger, and to prevent over-crowding of the land and undue congestion of population;
2. To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive zoning regulations;
3. To promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses, having particular regard for the potential amount and intensity of such land and structure uses in relationship to the traffic capacity of the road system, so as to avoid congestion in the streets and roadways, and to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and structures throughout the County;
4. To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County;
5. To provide for adequate housing choices in a suitable living environment within the economic reach of all citizens;
6. To provide open space that helps preserve natural, environmental, historic, architectural and other landscape resources of the County as well as providing adequate space for recreation;
7. To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes.
8. To preserve agricultural land.

**B. Zoning Districts**

For the purposes set forth above, Howard County is hereby divided into the following districts:

RC	-	Rural Conservation
RR	-	Rural Residential
DEO	-	Density Exchange Option
R-ED	-	Residential: Environmental Development
R-20	-	Residential: Single
R-12	-	Residential: Single
R-SC	-	Residential: Single Cluster
R-SA-8	-	Residential: Single Attached
R-A-15	-	Residential: Apartments
R-MH	-	Residential: Mobile Home
RSI	-	Residential: Senior Institutional
HD	-	Historic District
R-VH	-	Residential: Village Housing
HO	-	Historic Office
HC	-	Historic Commercial
POR	-	Planned Office Research
PEC	-	Planned Employment Center
BR	-	Business Rural
CC	-	Convenience Center
OT	-	Office Transition
CCT	-	Community Center Transition
B-1	-	Business, Local
B-2	-	Business, General
SC	-	Shopping Center
I	-	Industrial
M-1	-	Manufacturing, Light
M-2	-	Manufacturing, Heavy
SW	-	Solid Waste Overlay
NT	-	New Town
PGCC	-	Planned Golf Course Community
MXD	-	Mixed Use
PSC	-	Planned Senior Community
CE	-	Corridor Employment
CLI	-	Continuing Light Industrial
TOD	-	Transit-Oriented Development
CAC	-	Corridor Activity Center

**C. District Maps**

The zoning districts shall be of the number, size and shape as shown on the Zoning Map of Howard County, and said map with the necessary symbols, legends and dimensions is hereby made a part of these regulations. As evidence of the authenticity of said map, it shall be signed by the County Council of Howard County upon the adoption of these regulations.

The following shall also be shown on the district maps: Preservation parcel easements as described in Sections 104 and 105 of these regulations, agricultural land preservation easements, Maryland Historical Trust easements, and Maryland Environmental Trust easements.

**D. Severability Clause**

Should any section or provision of these regulations or maps be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations or maps, or any part thereof, other than the part declared to be unconstitutional or invalid.

**E. Construction and Effective Date**

These regulations upon enactment shall be the sole Zoning Regulations of Howard County. The provisions of these regulations are minimum requirements and shall be in addition to any other requirements of law. Where higher standards are required by other regulations, the higher standards shall apply unless the particular provision of these regulations expressly provides otherwise.

However, the requirements of the Zoning Regulations adopted September 18, 1992 for the western area of the County covered by the 1992 Comprehensive Zoning and October 18, 1993 for the eastern area covered by the 1993 Comprehensive Zoning with respect to the bulk regulations shall apply to any lot described in a deed or on an approved subdivision plat and recorded in the land records of Howard County no later than five days after the enactment of these regulations, and unable to fulfill minimum requirements of these regulations.

Any amendment or change to the Zoning Regulations, whether previously or hereafter adopted, shall be applicable to all pending and future proceedings and actions of any Board, Hearing Examiner or agency empowered to decide applications under these regulations, whether decided on original application or remand from Court, unless the amendment or change expressly provides that it only applies to future proceedings and actions.

1. Cases that require a Decision and Order are considered pending unless the Decision and Order is signed by the Board, the Hearing Examiner for a case that is not appealed, or the Department of Planning and zoning prior to the date the legislation is adopted, except that:
  - a. Any conditional use application filed on or before March 5, 2001 shall be subject to the regulations in effect prior to the effective date of Council Bill No. 11-2001; and
  - b. Any age-restricted adult housing conditional use application filed on or before July 7, 2003, shall be subject to the regulations in effect prior to the effective date of Council Bill No. 49-2003.
  - c. Any conditional use that would be prohibited by a map amendment is considered pending unless the site development plan is technically complete prior to the date the legislation is adopted.
2. Applications for subdivision or site development plan approval are considered pending unless the initial residential plan submittal, as defined in the Subdivision and Land Development Regulations, or the site development plans for all other types of development is technically complete prior to the date the legislation is adopted. However, development projects of over 300 units which have processed site development plans on at least 50% of the overall site shall not be considered pending. Sketch plans, which have received a technically complete letter from the Department of Planning and Zoning prior to November 1, 2001, shall be subject to the regulations in effect prior to the effective date of Council Bill No. 50-2001.



3. Applications for permits issued in accordance with Section 128 of these regulations are considered pending unless a written approval is issued by the Department of Planning and Zoning prior to the date the legislation is adopted.

## **F. Administrative Adjustments**

### **1. Bulk Regulation Adjustments**

Upon petition by the property owner, the Department of Planning and Zoning or the Director's Designee may grant an adjustment from the provisions of the bulk regulations in an amount not to exceed 20 percent of a stated bulk requirement, pursuant to the same limitations, guides and standards applicable to variances granted by the Board of Appeals. This authority to make adjustments does not apply to those portions of the bulk regulations which control density or minimum lot size.

### **2. District Map Line Adjustments: Drafting Errors and Other Corrections**

Upon petition by the property owner or the Department of Planning and Zoning, the Department of Planning and Zoning may adjust a district map line to follow a lot line, road, river or other clear boundary if the Director or the Director's Designee finds that:

- a. The district map line approximately follows a lot line or other boundary; and
- b. The district map line does not follow the lot line or other boundary because of drafting errors or because the information on the base map was corrected based on a new survey or other improved information.

### **3. Procedures**

The Department of Planning and Zoning shall hold a public hearing on Administrative Adjustment petitions in accordance with Section 100.H.

The decision of the Director of Planning and Zoning or the Director's Designee in administrative adjustment cases is appealable to the Howard County Board of Appeals in bulk regulation adjustment cases and to the Zoning Board in district map line adjustment cases. All appeals to the Board of Appeals or the Zoning Board shall be on a de novo basis.

Copies of the Decisions and Orders of the Department of Planning and Zoning in all administrative adjustment cases shall be sent to the Zoning Board as a matter of information.

### **4. Applicability**

The provisions of Section 100.F.1 shall not apply in the MXD, NT or PGCC Districts. Sections 100.F.2 and 100.F.3 shall not apply in the NT District.

### **5. District Map Line Adjustments: Digital Parcel Layer Corrections**

The Department of Planning and Zoning may make a minor adjustment to a district map line for a parcel if:

- a. The Department of Technology and Communications has corrected the County's digital parcel layer for the parcel; and

- b. The correction results in a district line falling inside or outside of the parcel boundary and the zoning map indicates that the County Council intended for the district line to follow the parcel boundary.

## **G. Amendments**

### **1. Applications**

Application for an amendment to the zoning map or to the text of these regulations shall be filed and processed in accordance with the Zoning Enabling Act (Subtitle 2 of Title 16 of the Howard County Code) and the Rules of Procedure of the Zoning Board.

### **2. Site Plan Zoning Petitions**

A site plan zoning petition is a petition for an amendment to the zoning district boundaries that includes documentation specifying the proposed development and use of the property under petition for such petitions, the following provisions shall apply in addition to the requirements of the Zoning Enabling Act and the Rules of Procedure of the Zoning Board:

- a. The petition for a property of less than fifty acres shall include a site plan or site plans with a scale of between 1" = 10' and 1" = 50' or as approved by the Department of Planning and Zoning. The site plan(s) must include the items listed below, but may show the location of a precise building envelope (a clearly delineated area within which a building is to be entirely located but which is larger than the area covered by the building itself) in lieu of the precise location of a building; may show precise minima and maxima in lieu of fixed values; may set forth lists of precisely described possible uses of a given space in lieu of specifying a single use, and may otherwise reasonably allow for flexibility or alternatives, provided that appropriate precise limits are set forth.
  - (1) Location, size, height, exterior materials, and character of all proposed structures and all existing structures to be retained, including relevant dimensions and distances to property lines and to structures on adjacent properties;
  - (2) Location and dimensions of proposed parking, driveway, and loading areas;
  - (3) Proposed landscaping, buffering and screening and existing landscaping to be retained;
  - (4) Elevation drawings of proposed structures on appropriate cross sections of the site as viewed from adjacent properties and roads, or other prominent points of visibility in the area;
  - (5) Existing and proposed topography;
  - (6) Adequate details of development on surrounding properties to enable the Zoning Board to evaluate the compatibility of the proposed development as required in subsection d.(1) of this section;
  - (7) Existing historic resources and natural features, including bodies of water, water courses, 100-year floodplains, wetlands, wooded areas, and major trees, and proposed changes with respect to any of these;
  - (8) Computations and dimensions of open space areas, impervious surface coverage, and other calculations as needed to demonstrate that the proposed development would be able to comply with design and zoning requirements;
  - (9) Existing and proposed public utilities;
  - (10) Location and approximate size of proposed storm water management facilities;

- (11) Information on the proposed use of the site including principal uses, hours of operation, and maximum number of employees; and
  - (12) Other information deemed necessary by the Department of Planning and Zoning for the particular site and development proposal.
- b. A petition for a property of fifty acres or more shall include a site plan or site plans with a scale of 1" = 100' or 1" = 200' or as approved by the Department of Planning and Zoning. The plan(s) must include:
- (1) The major environmental features of the site and immediate environs, including but not limited to steep slopes, ridge lines, wooded areas, streams, wetlands and floodplains, and impact of proposed development on these features.
  - (2) Analysis of existing vegetation on the site.
  - (3) Schematic grading plan.
  - (4) The approximate boundaries and acreage of proposed land uses.
  - (5) The location of existing and proposed public streets and utilities.
  - (6) The location of open space areas.
  - (7) Types and approximate number of proposed dwelling units.
  - (8) Other information deemed necessary by the Department of Planning and Zoning.
- c. After being accepted by the Department of Planning and Zoning, the petition shall be circulated to the agencies which comprise the Subdivision Review Committee (S.R.C.) and shall be considered at a regularly scheduled meeting of the S.R.C. The petition shall not be scheduled for review by the Planning Board until the Department of Planning and Zoning certifies that the development shown on the proposed site plan(s) has the potential to comply with all technical requirements of the reviewing agencies, without substantial changes to the plan, in subsequent subdivision and site development plan stages of review.
- The certification of the Department of Planning and Zoning may note that certain waiver or variance approvals will be required in order for the plan to be implemented. Such a statement shall not be deemed to represent an evaluation of or a commitment by the approving agency to approve the necessary waiver or variance.
- d. The Zoning Board shall consider the following factors in reviewing the site plan(s);
- (1) The compatibility of the proposed development with the existing and potential land uses of the surrounding areas;
  - (2) Protection of the environmental integrity of the subject property and adjoining areas in the location and design of site improvements;
  - (3) The availability of safe road access for the proposed development; and
  - (4) Compatibility of the proposed development with the policies and objectives of the Howard County General Plan.
- e. If the site plan zoning petition is granted:
- (1) The Zoning Board may modify or apply additional requirements to the site plan(s), stating the reasons for such action. The Board, in its discretion, may hold such additional hearings on any modifications or additional requirements to the site plan as it deems appropriate.

- (2) The site plan(s), subject to modifications or additional requirements imposed by the Zoning Board, shall be made part of the Decision and Order of the Zoning Board;
  - (3) A copy of the Decision and Order shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning and the Petitioner; and
  - (4) The property shall be designated on the Howard County Zoning Map with the amended district boundary, the Zoning Board case number, and the suffix "S" to indicate that the site is subject to a site plan zoning petition approved by the Zoning Board.
- f. A property rezoned in accordance with a site plan zoning petition must be substantially complete in accordance with the site plan(s) approved by the Zoning Board. Minor deviations from the site plan(s) resulting from more detailed engineering and site design may be approved by the Department of Planning and Zoning as part of the plan review process. The Zoning Board shall be notified of minor changes approved by the Department of Planning and Zoning. Any significant changes must be approved by the Zoning Board in accordance with the procedures for the original Zoning Board petition. Zoning Board review shall be limited to consideration of the proposed changes to the site plan(s).
- g. A site plan zoning petition approved by the Zoning Board may include a use allowed as a conditional use in the zoning district to which the property is rezoned. If this occurs, the conditional use shall be permitted as a matter of right, in accordance with the site plan approved by the Zoning Board, and shall not require approval by the Hearing Authority.
- h. If the property subject to the site plan zoning petition is not substantially complete and in use in accordance with the approved site plan(s) within the times set forth in subsection (1) below, the site plan(s) shall be subject to review in accordance with the procedures in subsections (2) and (3). To be substantially developed, the property must have an approved site development plan, building permits approved for at least a portion of the site, and infrastructure such as roads, sewer, water and stormwater management facilities in place.
  - (1) Development Schedule:
    - (a) For properties of less than 50 acres - 3 years from the date of the Decision and Order.
    - (b) For properties of 50 to 99 acres - 5 years from the date of the Decision and Order.
    - (c) For properties of 100 to 149 acres - 7 years from the date of the Decision and Order.
    - (d) For properties of 150 to 199 acres - 9 years from the date of the Decision and Order.
    - (e) For properties of 200 acres or more - 10 years from the date of the Decision and Order.
  - (2) At least 90 days prior to the expiration of the designated period, the property owner may submit a written request to the Department of Planning and Zoning describing the progress which has been made on the project and requesting an extension of the time limit. The Department of Planning and Zoning shall forward the request to the Zoning Board, which may deny the request or may

grant an extension for a specified period of time not to exceed two years, without holding a public hearing, if it finds that development in accordance with the approved site plan has been substantially undertaken and is being diligently pursued to completion.

- (3) If an extension is not requested or is denied by the Zoning Board, the site plan(s) shall be void at the expiration of the designated period. No further development shall occur until new site plans are submitted by the Petitioner and approved by the Zoning Board in accordance with the procedures for the original Zoning Board petition. Review shall be limited to consideration of the site plans, unless the Petitioner proposes a change in the zoning classification of the property. The Zoning Board may approve, modify, or attach additional requirements to the site plans, stating the reasons for such action. If substantial modifications are required, the Zoning Board may require that revised plans be submitted prior to issuance of a Decision and Order.

#### **H. Department of Planning and Zoning Public Hearings**

Where the Director of Planning and Zoning is authorized by these regulations to hold a public hearing and decide upon certain matters, the following requirements apply:

1. Applications

Applications shall be submitted to the Department of Planning and Zoning and shall include information required by the Department.

2. Public Hearings

The Director of Planning and Zoning, or the Director's Designee, shall hold at least one public hearing on the application in accordance with Rules of Procedure adopted by the Department. The property which is the subject of the application shall be posted with the date, time and place of the hearing for at least 15 days immediately before the hearing.

The Director of Planning and Zoning, or the Director's Designee, shall prepare and maintain an official record of the proceedings for each petition, including exhibits presented at the hearing. It shall not be necessary to transcribe the testimony unless requested.

3. Decision and Order

Following the public hearing, the Director of Planning and Zoning shall approve or deny the request. For Temporary Uses or Administrative Adjustments to bulk regulations, the Director may approve the request subject to appropriate conditions. The Decision and Order of the Director of Planning and Zoning shall be in writing and shall state the reasons for the decision.

Conditions of approval shall be incorporated in the building permit and use and occupancy permit. Failure to comply with such conditions shall constitute a violation of these regulations and may be grounds for denying or revoking a building permit or a use and occupancy permit.

**I. Inactive Petitions**

1. For the purposes of this subsection, an inactive petition is a petition submitted for hearing authority cases, Zoning Board cases, or Department of Planning and Zoning administrative hearing cases:
  - a. Which is not accepted for scheduling purposes due to a need for further information, clarifications and/or corrections as stated in a Department of Planning and Zoning written notification to the petitioner or the petitioner's representative, and the petitioner or the petitioner's representative has not provided the requested further information, clarifications and/or corrections within 180 days of the date of the Department of Planning and Zoning written notification; or
  - b. Which is placed on the "hearings unscheduled" docket of the Hearing Authority or Zoning Board upon a request from the petitioner or the petitioner's representative, and this petition remains on the "hearings unscheduled" docket for a period of 180 cumulative days.
2. Petition to the Zoning Board submitted under Section 100.G.2. for a zoning map amendment with site plan which is undergoing review by the subdivision review committee to meet the requirement for certification as required by Section 100.G.2.C. shall not be considered an inactive petition under Section 100.I.1.A. above.
3. After 180 cumulative days, an inactive petition shall be dismissed by the Hearing Authority, Zoning Board, or Department of Planning and Zoning, as applicable.



## **SECTION 101: Rules Of Construction**

The following rules of construction apply to the text of these regulations:

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary table or illustrative table, the text shall control.
- C. The words “shall” or “may not” are always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” or “occupied for.”
- G. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows:
  - 1. When used to connect a list of requirements or required conditions, “and” indicates that all the connected items shall apply.
  - 2. When used to connect a list of permitted items or events, “and” indicates that the items or events are permitted singly or in any combination.
  - 3. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - 4. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. The word “includes” shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- J. All terms defined under various sections of the County Building Code, where occurring in these regulations, shall have the meanings specified in the Building Code except where specifically defined in these regulations; however, in case of a conflict, the more restrictive shall apply.
- K. All terms defined under various sections of the County Subdivision and Land Development Regulations, where occurring in these regulations, shall have the meanings specified in those Regulations, except where specifically defined in these regulations; however, in case of a conflict, the more restrictive shall apply.
- L. The word “State” means the State of Maryland. The word “County” means the County of Howard County, State of Maryland, and the term “County boundary” means any exterior boundary of the County or any boundary of incorporated territory within the County.



- M. The terms “County Council,” “Zoning Board,” “County Executive,” “Board of Appeals,” “Director of Planning and Zoning,” “Planning Board,” “County Solicitor,” “Director of Public Works,” “Director of Fire and Rescue Services,” “Director of Recreation and Parks,” “Board of Education,” and “County Health Officer” mean the respective council, boards and officers of Howard County.
- N. Section 16.302 of the Howard County Code authorizes the Hearing Examiner to hear and decide certain matters within the scope of these regulations. Wherever a power or duty is conferred upon the Board of Appeals and the matter is within the jurisdiction of the Hearing Examiner, the term “Board of Appeals” is deemed to include reference to the Hearing Examiner.  
[Council Bill 19-2002 (ZRA-35), effective 7/10/02]
- O. All uses are prohibited unless specifically enumerated as a use permitted as a matter of right or as an accessory use in the various districts as provided by these regulations.
- P. Measurements or other numbers are not rounded up in order to meet a minimum requirement or rounded down in order to meet a maximum requirement.

## **SECTION 102: Violations, Enforcement, and Penalties**

### **A. Violations**

Any structure erected, constructed, altered, enlarged, converted, moved or used contrary to any of the provisions of these regulations by any person taking such action, or permitting such action, and any use of any land or any structure which is conducted, operated or maintained by any person using, or permitting the use thereof, contrary to any of the provisions of these regulations, shall be, and the same is hereby declared to be unlawful.

### **B. Enforcement**

Upon becoming aware of any violation of these regulations, the Department of Planning and Zoning may institute an injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection, construction, alteration, enlargement, conversion or use in violation of any of the provisions of these regulations. The Department of Planning and Zoning may give notice that activities on the premises are in violation of the Zoning Regulations and may order an end to these activities within 10 days, or a reasonable specified time. The Department of Planning and Zoning shall serve the notice personally, or by Registered Mail addressed to the premises of the violation, or to the person or corporation committing or permitting the violations, or by posting the premises. If the violation does not cease within the time specified by the Department of Planning and Zoning, the Department of Planning and Zoning shall take whatever action necessary to end the violation.

Any person who is aggrieved by an alleged violation of these regulations may request in writing that the Department of Planning and Zoning issue a Zoning Violation Notice. If the Department does not issue such a notice within 60 days of receiving the written request, such failure shall be considered to be a final decision of the Department that the alleged violation does not exist, and the complaining person shall have a right to appeal such decision to the Board of Appeals, provided that such petition of appeal is filed with the Clerk of the Board of Appeals within 30 days after such failure to issue such Zoning Violation Notice. If such an appeal is taken, the Department of Planning and Zoning shall send a copy of the petition to the owner and occupant of the premises.

The remedies provided for herein are cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

### **C. Penalties**

Failure to comply with the Zoning Regulations shall be a misdemeanor punishable by a fine not to exceed 100 dollars. Every day that such violation continues shall be a separate offense.

Alternatively or in addition to and concurrent with all other remedies, the Department of Planning and Zoning may enforce the provisions of the Zoning Regulations with civil penalties pursuant to the provisions of Title 24 "Civil Penalties" of the Howard County Code. A violation shall be a Class B offense.

### **D. Permits**

No permit shall be issued for the construction, alteration or use of any structure or lot unless such construction, alteration or use and the related site improvements conform to all requirements of these regulations.



## SECTION 103: Definitions

A. Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these regulations:

1. Access, Direct: Vehicular access from a proposed development or use to a public road where the access is not by way of a common driveway shared with other uses.
2. Accessory Apartment: See “Dwelling, Accessory Apartment”.
3. Accessory Use or Accessory Structure: A use or structure which is incidental to, subordinate to, and customarily found in connection with a principal use or structure and which is situated on the same lot as the principal use or structure, except that where specifically provided in the applicable section of these regulations, accessory uses need not be located on the same lot.
4. Adult Entertainment Business: This term includes the following types of business:
  - a. Adult Book or Video Store: A business establishment open to the public or to members that offers for sale or rental any printed, recorded, photographed, filmed or otherwise viewable material:
    - (1) Where at least 20 percent of the stock in trade of such material on the premises is characterized by an emphasis on matters depicting, describing or related to sexual activities; or
    - (2) Where at least 20 percent of the total usable floor area of the establishment is devoted to storage or display of such material that is characterized by an emphasis on matters depicting, describing or related to sexual activities.

As an accessory use to the sale or rental of such material such establishments may include film or slide projectors, videotape players, or other image-producing devices used on the premises for displaying material to individual viewers.

- b. Adult Movie Theater: A business establishment open to the public or to members that regularly and routinely offers for viewing on the premises films, videos or similar material characterized by an emphasis on matters depicting or describing sexual activities.
- c. Adult Live Entertainment Establishments: A business establishment open to the public or to members that regularly and routinely features employees or live performers who appear in a state of nudity or presents live entertainment, exhibits, displays or performances characterized by sexual activities, real or simulated, or nudity.

In this definition, “Sexual Activities” includes “Sexual Conduct”, “Sexual Excitement” or “Somasochistic Abuse” as these definitions occur in the criminal law provisions of the Annotated Code of Maryland; and “Nudity” means less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]

5. Age-Restricted Adult Housing: A development that contains independent dwelling units with full kitchens that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. Age-restricted adult housing may include related facilities or services for the residents, such as social, recreational or educational facilities and housekeeping, security, transportation or personal services.
6. Agricultural Land Preservation Easement: An easement held by the Maryland Agricultural Land Preservation Foundation or the Howard County Agricultural Land Preservation Program.
7. Agricultural Processing Facility, Local: A facility on a farm that processes agricultural products grown or produced on the farm where it is located, supplemented by agricultural products grown elsewhere.
8. Agricultural Processing, Primary: Processing on the farm of an agricultural product grown on the farm in the course of preparing it for market. Primary processing is subordinate and incidental to the farm operation and includes the following uses:
  - a. *Basic Processing*: Processing necessary to store and market farm products. Basic processing does not include treatment that changes the form of the product, but does include treatment such as cutting, drying and packaging.
  - b. *Value-added Processing*: Treatment that changes the form of a farm product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting.
9. Agritourism Enterprise: Activities conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education or active involvement in the farm operation. These activities must be related to agriculture or natural resources and incidental to the primary operation on the site. This term includes farm tours, hay rides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.
10. Alley: A public street which provides access to the side or rear of two or more lots for service functions such as loading or deliveries, trash pick-up, or parking areas.
11. Ambulatory Health Care Facilities includes, but is not limited to, the following:
  - a. Health maintenance organizations,
  - b. Out-patient clinics,
  - c. Diagnostic centers,
  - d. Ambulatory surgical facilities,
  - e. Physician offices,
  - f. Public health clinics,
  - g. Community mental health centers.
12. Animal Hospital: A building used by a licensed veterinarian for the practice of veterinary medicine, and not as a kennel. An animal hospital may include incidental boarding and grooming of animals and sale of pet supplies.

13. Antenna: A device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes.
14. Assisted Living Facility: A residential care facility that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of these services to at least nine persons who are unable to perform, or who need assistance in performing, the activities of daily living and is under a license or certificate issued by the State of Maryland as an assisted living facility.
15. Bed and Breakfast Inn: A historic building, or a building on a farm with an agricultural land preservation easement, in which, for compensation, sleeping accommodations are provided to transient guests in not more than six guest rooms. A bed and breakfast inn may include the provision of meals for overnight guests only.
16. Boarding House: A building in which lodging is offered. A boarding house may provide lodging with or without meals to more than 4 but fewer than 20 residents and shall not be deemed a home occupation.
17. Building: A structure with exterior walls which combine to form an occupiable structure, including but not limited to apartments, barns, dwellings, garages, hotels, offices, restaurants and stores. Signs are not to be considered a building, or part of a building, and are regulated by the Howard County Code.
18. Building, Height of: The vertical distance from the mean of the lowest and highest elevation points adjoining the exterior walls of the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the mean height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof.
19. Building Restriction Line: A line established on a lot to indicate the setbacks required by the Zoning Regulations for the zoning district in which the lot is located or the setbacks required by the Subdivision and Land Development Regulations, if more restrictive.
20. Cemetery: A place used for the permanent interment of dead bodies or the cremated remains thereof. It may be either a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for incinerary interments, or a combination thereof.
21. Charitable or Philanthropic Institution: A private, nonprofit organization whose primary function is to provide health, social, environmental conservation, religious or benevolent services. This term does not include any commercial operation, or any organization whose purpose is to operate a trade or business or to promote the economic advancement of its members, such as a professional or trade association or a labor union. In addition, this term does not include any use defined or listed in these regulations, such as a child day care center, day treatment or care facility, residential care facility, nursing home, private club or lodge, private school, retreat center, museum or hospital.
22. Cluster Exchange Option: One of two options for transferring density from a sending parcel in the DEO Overlay District. The cluster exchange option allows density to be transferred from a qualifying sending parcel at a maximum rate of one development right per 4.25 gross acres of area within the sending parcel.
23. Cluster Subdivision: A type of subdivision allowed in the RC and RR Zoning Districts and consisting of cluster lots and a preserved area. The preserved area is the residual area of the parcel being subdivided and consists of one or more preservation parcels.

24. Commercial Use: Any use involving in part or in whole the sale or rental of merchandise, materials or services, but not including home occupations as defined in this section.
25. Commercial Vehicle: Every motor vehicle and trailer licensed by the State, and used for transporting goods or equipment in the furtherance of any commercial enterprise; a motor vehicle that is designed and used to carry people for compensation, including school buses but excluding taxicabs. Commercial vehicles, including trailers, box trailers and cargo containers, may not be used as a shelter for on-site storage.
26. Communication Tower: A structure designed and intended to support antennas. This term includes lattice-type structures, either guyed or self-supporting, and monopoles, which are self-supporting pole-type structures, tapering from base to top and supporting a fixture designed to hold one or more antennas.
27. Conditional Uses: Land uses and activities which require approval by the Board of Appeals for a specific location and site plan, based upon standards established in these Regulations. Formerly called special exceptions.
28. Conference Center: A facility used for conferences and seminars, limited to accommodations for conference attendees. In addition to meeting rooms, the accommodations may include dormitories, guest rooms or similar lodging facilities, cafeterias, dining rooms, recreational uses and supporting services. A conference center is not designed to be used by the general public for overnight accommodations.
29. Convenience Store: An establishment which sells snack foods, packaged or prepared food and beverages, and other food and convenience items for consumption off the premises.
30. Country Inn: An historic building in which one or more of the following services is offered: lodging for transient guests on a daily, weekly or similar short term basis; a standard restaurant as defined in these regulations; a banquet facility or catering service; or meeting rooms. A country inn may include related accessory uses such as:
- a. Antique shop, gift shop, Christmas shop, book, candle, card and similar specialty shops;
  - b. Bakery, provided such use is limited to the retail sale from the premises of goods baked on the premises only;
  - c. Arts and crafts exhibits and sale of products;
  - d. Sale of packaged or canned food products special to the establishment;
  - e. Museums and cultural exhibits;
  - f. Recreational uses for the sole use of overnight guests or guests attending meetings or catered events at the inn;
  - g. Any other uses similar to the foregoing and any use normally and customarily incidental to a country inn.

For the purpose of this definition, no boarding house, fast food restaurant, dormitory, fraternity or sorority house shall be considered a country inn.

31. Day Care Center, Child: An establishment that offers or provides child care to at least nine children on a regular schedule, at least twice a week, for part of a 24 hour period, under a license or registration issued by the State of Maryland for a child care center.
32. Day Treatment or Care Facility: A nonresidential facility which is licensed or certified by the State of Maryland to provide service including supervision, personal care, training or sheltered

- employment, during part of a 24 period, on a regular schedule, for two or more individuals in need of such services due to a medical handicap, physical or mental disability, advanced age, or addiction to drugs or alcohol. This term shall not include a child day care center, school, medical clinic or residential care facility as defined in these regulations.
33. Density: The number of principal dwelling units per unit of land area. Accessory dwelling units such as farm tenant houses, caretaker dwellings and accessory apartments are not included when calculating density.
34. Density Exchange Option: One of two options for transferring density from a sending parcel in the DEO Overlay District. The Density Exchange Option allows density to be transferred from a qualifying sending parcel at a maximum rate of one development right per three gross acres of area within the sending parcel.
35. Depth of Lot: The mean horizontal distance between the front line and rear lot line of a lot.
36. Detached Building: A building surrounded by yards or other open area on the same lot.
37. Develop or Development: This term refers to the establishment of a principal use on a site; a change in a principal use of a site; or the improvement or alteration of a site by construction, enlargement, or relocation of a structure, the provision of storm water management or roads, the grading of existing topography, the clearing or grubbing of existing vegetation, or any other non-agricultural activity that results in a change in existing site conditions.
38. Dwelling: A building, or portion thereof, which provides living facilities for one family. As used herein, the term "dwelling," or any combination thereof, shall not be deemed to include a hotel, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.
39. Dwelling, Accessory Apartment: A second dwelling unit located within a single-family detached dwelling, or within a mobile home located in a traditional residential neighborhood within an R-MH district, which has the following characteristics:
- a. The accessory apartment is located within an owner occupied dwelling. The owner may occupy either the principal dwelling or the accessory apartment.
  - b. The accessory apartment occupies no more than 800 square feet of floor area or one-third of the net floor area of the building, whichever is less. The floor area of the accessory apartment includes one-third of the area of shared storage or utility areas.
  - c. If the accessory apartment is within an addition to the existing dwelling it must share a common wall. The apartment cannot be separated from the principal dwelling by an attached garage or a breezeway, open or enclosed.
- (See also the definition of Dwelling, Two-family.).
40. Dwelling, Apartment: A dwelling in a building containing three or more dwelling units separated by both vertical and horizontal party walls.
41. Dwelling, Manufactured: This term has the same meaning as "Mobile Home" (See Section 103.A.88).
42. Dwelling, Modular: A dwelling unit that has a minimum floor area of 900 square feet and a gabled roof, is fabricated in an off-site manufacturing facility for installation or assembly at the building site, and bears insignia certifying that it is built in compliance with the standards for industrialized buildings contained in the Industrialized Building and Mobile Homes Act of the Annotated Code of Maryland, Article 83B, Sections 6-201, et. seq.



43. Dwelling, Multi-Family: this term includes apartments, whether rental units or condominiums, and single-family attached dwellings.
44. Dwelling, Single-family Attached: One of a series of two or more dwelling units, separated either by vertical or horizontal party walls, with each unit having its own separate exterior entrance(s).
45. Dwelling, Single-family Detached: A building, including a modular dwelling, arranged or designed for use as a principal dwelling, and entirely separated from any other principal building by open area on all sides.
46. Dwelling, Single-family Semi-Detached: One of two attached dwelling units located on abutting lots, separated by one vertical party wall without openings extending from the basement floor to roof along the dividing lot line, with each unit having its own exterior entrance and its own adjacent ground level outdoor area for the exclusive use of its occupants.
47. Dwelling, Two-family: A building which contains two dwelling units, of which neither is an accessory apartment, and which is arranged, designed or used for occupancy by two families. The dwelling units in a two-family dwelling are not separated by an attached garage or by an open or enclosed breezeway. (See also the definition of Dwelling, Accessory Apartment.)
48. Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
49. Dwelling, Zero Lot Line: A single-family detached dwelling unit located with one side less than seven and a half feet from one side lot line and designed to orient interior space to the other three yards.
50. Executive Golf Training and Recreation Center: A golf teaching and practice facility of at least five acres. Such a facility shall consist of a predominantly natural turf golf course with shorter fairways and smaller greens than a regulation course, shall contain additional teaching and putting greens, and shall include features such as trees and sand and water hazards. The facility may also include customary accessory buildings containing recreational, training and maintenance or other facilities such as a shop for the sale or rental of golf equipment and clothing or a restaurant.
51. Family:
- a. A single person occupying a dwelling and maintaining a household, or
  - b. Two or more persons related by blood, marriage or adoption, occupying a dwelling, living together, and maintaining a common household, or
  - c. Not more than eight unrelated persons occupying a dwelling, living together, and maintaining a common household.
52. Farm Tenant House: An accessory detached building or mobile home that is:
- a. Designed and arranged for use as a dwelling;
  - b. Located on a parcel of land used for farming; and
  - c. Occupied by at least one person who is employed by the owner or operator of the farm on which the dwelling is located to engage in farming on a full-time or part-time basis.

53. Farming: The use of land for agricultural purposes, including agriculture, apiaries, horticulture, orchards, agricultural nurseries, viticulture, aquaculture, silviculture, and animal and poultry husbandry. Farming includes basic processing of agricultural products as defined in this section (see “agricultural processing, primary”), but shall not include the acceptance or disposal of land clearing debris or rubble which originates off-site or the commercial feeding of garbage or offal to swine or other animals. The breeding, raising, training, boarding and general care of livestock for uses other than for food, such as sport or show purposes, as pets, or for recreation, shall be considered a normal farming function, but kennels are excluded from this definition.
54. Farm Stand: A structure or outdoor area located on a farm and used for the sale of farm products grown or produced on the farm on which the stand is located. Where permitted by these regulations, sale of farm products grown or produced off-site may be part of the use.
55. Final Development Plan: A drawing or series of drawings, at an appropriate scale, covering the same geographical area covered by the Comprehensive Sketch Plan or a portion thereof indicating the various land use areas with criteria which shall be the same as those approved by the Planning Board as part of the Comprehensive Sketch Plan, and intended for recordation among the Land Records of Howard County, Maryland.
56. Flea Market: A collection of stalls, booths or tables, either indoors or outdoors, operated by different individuals for the sale of used merchandise, collectibles, crafts, antiques, and other items.
57. Flex Space: A building that is designed in modular bays to accommodate business of varying sizes, and used for offices, research and development, light manufacturing, assembly, storage, sales, and similar uses, including business community support retail up to 15% of the buildings in the project. Flex space buildings have rear loading only and generally have 25 percent or more of the space devoted to office uses.
58. Floating District: A district of undetermined location which may only be placed on the zoning map upon petition of a property owner and not by government initiative. A floating district may only be applied to a specific property if stated criteria are satisfied, a finding of compatibility is made and a development plan is approved for the property. A finding of mistake in the existing zoning or a substantial change in the character of the neighborhood since the last comprehensive zoning is not required to apply a floating zone to a property. In these Zoning Regulations, only the CC, BR, SW, PSC, and NT districts are floating districts.
59. Floodplain: That area which would be inundated by the storm water runoff equivalent to that which would occur from a rainfall of 100-year frequency, assuming total development of the watershed. Floodplain determination shall be in accordance with the Howard County Design Manual.
60. Floor Area, Gross: The sum of the areas of the several floors of the structure(s) as measured by the exterior faces of the walls.
61. Floor Area, NET: The sum of the areas of the areas of the several floors of the structure(s) as measured by the exterior faces of the walls, less any area within the structure(s) devoted to parking, vehicular driveways, atria, office building storage areas, or enclosed malls and similar areas.
62. Floor Area Ratio: The ratio of the gross floor area to the gross lot area.
63. Frontage: That portion of a lot or parcel of land which adjoins a public road that provides vehicular access to the property.

64. Gasoline Service Station: A facility offering retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. A gasoline service station may also provide motor vehicle service, repairs and maintenance, including painting and bodywork.
65. General Plan: A plan for the County, approved by resolution of the County Council, which includes but is not limited to a plan for land use and land conservation and multi-year development plans for transportation, public facilities, water, sewerage, park land, housing, human services, historic preservation, and environmental protection.
66. Golf Driving Range: A facility at which patrons may hit golf balls to a specific area from stationary positions for amusement and/or practice, but which does not necessarily provide golf teaching services.
67. Greenhouse, Farm: A structure located on a farm wherein plants are grown but not sold from the site to the general public.
68. Greenhouse, Retail: A structure where plants are grown and sold to the general public from the site.
69. Gross Area: The entire area within a development project.
70. Hearing Authority: Either the Board of Appeals or Hearing Examiner. [Council Bill 19-2002 (ZRA-35), effective 7/10/02]
71. Historic District: An area in the County which has significant historic or architectural value, the boundaries of which have been established in accordance with the provisions of Sections 100.G and 114 of these regulations, or the previously established Ellicott City Historic District.
72. Historic Structure: A structure or cluster of structures situated within the County which, together with its appurtenances and environmental setting, have significant historic or architectural value, and have been so designated by resolution of the County Council.
73. Home-Based Contractor: The accessory use of a residential property for a contracting business which is operated by a person residing on the same lot and which includes at least one of the following activities: storage of equipment, visits to the lot by non-resident employees, or parking of more commercial vehicles than allowed under the provisions of the applicable zoning district for parking of commercial or unregistered motor vehicles. Home-based contractors may include building maintenance, construction, electrical, excavation, heating/air conditioning, home improvement, landscaping, painting, paving, plumbing, septic system, snow removal, well drilling, or similar businesses.
74. Home Care: The keeping during part of a 24 hour period of not more than eight children at one time or not more than three elderly or medically handicapped individuals at one time in a residence, under a license or registration issued by the State of Maryland.
75. Home Occupation: The accessory use of a residential property for business purposes which are clearly incidental and secondary to the residential use.
76. Hospital: Any institution, including a sanitarium, that has a group of physicians who are organized as a medical staff for the institution, maintains facilities to provide medical diagnostic

- and treatment services for two or more unrelated individuals, and provides overnight care for the individuals.
77. Hotel or Motel: Any building or portion thereof or group of buildings containing guest rooms in which, for compensation, lodging is offered to transient guests on a daily, weekly, or similar short term basis.
78. Illegal Use: Any use, whether of a structure or of a tract of land, in which a violation of any provision of these regulations has been committed or shall exist.
79. Incinerator: A facility using controlled flame combustion for the thermal destruction of solid waste. This term does not include a hazardous waste incinerator.
80. Intermediate Care Facility: A facility for the treatment of alcoholic or drug addicted persons which provides overnight care and is licensed as an intermediate care facility by the State of Maryland.
81. Junk Yard: A parcel of land used for the dismantling and storage of motor vehicles. The bailing, shredding, compacting and sale of salvage materials are permitted. This term does not include a business in which dismantling, processing, storage of salvage material and storage of dismantled vehicles takes place inside a building.
82. Kennels: This term includes the following uses:
- a. Any establishment for the boarding or training of dogs or cats for which a fee is charged. Such establishments may include incidental grooming or sale of pet supplies.
  - b. Any lot smaller than 20 acres where six or more dogs, not including dogs under six months of age, are kept for any purpose.
83. Land Clearing Debris: Those materials resulting from land clearing operations which shall be limited to the following:
- a. Earthen material such as clays, sands, gravels and silts;
  - b. Topsoil;
  - c. Tree stumps;
  - d. Root mats;
  - e. Brush and limbs;
  - f. Logs;
  - g. Vegetation; and
  - h. Rock.
84. Land Clearing Debris Landfill Facility: Any facility where non-hazardous land clearing debris is received for disposal on the site.
85. Land Conservation Organization: A nonprofit organization which has been approved by resolution of the Howard County Council as a potential holder of preservation parcel easement agreements for cluster subdivisions in the RC and RR Districts.
86. Landscape Contractor: A business which is engaged in providing landscaping services to off-site locations, including designing, grading, planting and maintaining landscaped areas.
87. Landscaped Area: An area improved by vegetation and other natural or decorative materials, established or maintained for enhancement of the appearance of the site, noise reduction,

buffering or screening. Areas used for buffering or screening are intended to provide a visual separation between uses as described below:

- a. Screening is the use of landscape materials to substantially shield a structure or use from view, to the extent possible given the topographic and other features of a specific site.
  - b. Buffering is the use of landscape materials to lessen the visual impact of a use, or to visually or physically separate uses, while not necessarily concealing a structure or use from view.
88. Lot or Parcel: A piece of land described in a Final Plat or Deed and recorded in the Land Records of Howard County in accordance with the laws and regulations in effect at the time of recordation.
89. Lot Coverage: That portion of a lot which, when viewed directly from above, would be covered by a structure or any part of a structure.
90. Lot Size, Maximum: The largest lot area allowed under the bulk requirements of the applicable zoning district, calculated based on the gross area of the lot. The pipe stem area of pipe stem lots shall not be included for purposes of calculating the maximum lot size.
91. Lot Size, Minimum: The smallest lot area allowed by the bulk regulations of the zoning district. The pipe stem area of pipe stem lots shall not be included in the required minimum lot size.
92. Low Income Housing Unit: A dwelling unit offered for sale or rent to households with incomes below 50 percent of the median income in the Baltimore region.
93. Manufactured Dwelling: This term has the same meaning as "Mobile Home" (See Section 103.A.88).
94. Material Recovery Facility: A facility where recyclable materials are separated, sorted, processed and packaged for distribution to other facilities where the materials will be used as raw materials or will otherwise be returned to the marketplace. Processing means the preparation of material for efficient shipment, or to a users specifications, by such means as baling, briquetting, compacting, grinding, crushing, shredding and cleaning. There are two types of material recovery facilities:
- a. *Material Recovery Facility - Source Separated*: A facility accepting only recyclables which have been previously separated from the solid waste stream.
  - b. *Material Recovery Facility - Non-source Separated*: a facility accepting solid waste containing recyclables which have not been previously separated from the solid waste stream.
95. Miniature Golf Course: An amusement facility which contains a series of artificially surfaced golf putting greens including various structures through which the ball must pass, or obstacles the ball must avoid in order to reach the hole.
96. Mixed Use Development: One or more parcels encompassed by a preliminary development plan. (Amended Council Bill 87-1996 (ZRA-6), effective 1/7/97).
97. Mixed Use District: All contiguous parcels shown as Mixed Use on the Zoning Map of Howard County. (Amended Council Bill 87-1996 (ZRA-6), effective 1/7/97).
98. Mobile Home: A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, which:

- a. Bears a label certifying that it complies with the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 as promulgated by the U.S. Department of Housing and Urban Development (HUD); or
  - b. Was manufactured prior to the effective date of the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a dwelling.
- 99. Mobile Home Development: Any lot, parcel or tract of land zoned as a Residential-Mobile Home (R-MH) District, which is used, designed or maintained to accommodate mobile homes, single-family detached dwellings, single-family attached dwellings or apartment units. A mobile home development does not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for inspection and sale. A mobile home development provides for the permanent or long-term location of mobile homes to be occupied as residences.
- 100. Mobile Home Park: A mobile home development consisting of one lot which is divided into individual sites and operated exclusively as a rental or condominium project.
- 101. Mobile Home Subdivision: A mobile home development which is subdivided into individual lots.
- 102. Mobile Home Park, Transitional: A development limited to mobile home dwelling units developed and operated for a specified limited period which:
  - a. Complies with the requirements of Section 127.2E.5; and
  - b. Adjoins or is within 50 feet of an existing nonconforming mobile home park; and
  - c. Has all tenants within the development as lessees under one-year leases, only renewable for a maximum of ten years. Subject to the county's authorization of an extension of the lease term based on economic or other hardships.  
(Council Bill 75-2004 (ZRA-55) Effective 2/8/05).
- 103. Moderate Income Housing Unit: A dwelling unit offered for sale or rent to households with incomes between 50 and 80 percent of the median income in the Baltimore region, in accordance with Title 13, Subtitle 4 of the Howard County Code and the Procedures of the Howard County Department of Housing and Community Development.
- 104. Modular Dwelling: See "Dwelling, Modular".
- 105. Motor Vehicle: A vehicle that is self-propelled, is not operated on rails and which if driven on a public street or highway would be required by the Maryland Vehicle Law to be registered.
- 106. Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a by-product of on-site farming.
- 107. Multi-Family: See Dwelling, Multi-Family.
- 108. Net Acre: An acre of land that includes no land in the 100-year floodplain and no steep slopes existing at the time of subdivision.
- 109. Nursing Home: Any facility for the treatment and care of two or more persons suffering from illnesses, diseases, disabilities, or injuries not requiring the intensive care that is normally

- provided by hospitals; but who do require medical, nursing, convalescent or chronic care rendered by or under the supervision of a nurse.
110. Open Space: A separate lot or area which provides for protection of the environment, for recreation or for public use, including public facilities such as schools, libraries, fire stations and parks as shown on the General Plan or hiking, biking and equestrian trails. Parking areas may be included within open space if accessory to an open space use.
111. Overlay District: A district established to respond to special features or conditions of a land area, such as historic value, physical characteristics, location, or other circumstances. An overlay district supplements or provides an alternative to the regulations of the underlying zoning district. In these Zoning Regulations, only the DEO, Historic, SW and MXD Districts are overlay districts.
112. Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a gasoline service station; any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.
113. Parking Garage: A structure occupied by a public, community, commercial or private establishment providing space for the temporary storage of six or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.
114. Parking Lot: An open lot serving the functions defined for a parking garage.
115. Parking Space: An off-street space available for the parking of one motor vehicle on a transient basis, conforming to the Howard County Design Manual specifications, and having direct usable access to the street. This term shall not include a space used for display of a motor vehicle which is available for sale or rental or a space used for storage of an inoperative motor vehicle.
116. Pet Grooming Establishments: An establishment which for a fee trims, cleans or curries domestic pets such as dogs or cats, and which may sell pet supplies. This term does not include establishments which board pets.
117. Porch, Enclosed: An addition to a dwelling which is enclosed by walls and a roof but which is separated from the dwelling by an intervening exterior wall and door, and which is not heated or air conditioned.
118. Preliminary Equivalent Sketch Plan: A sketch plan which also provides the information required with a preliminary plan.
119. Preservation Parcel: A parcel in the RC or RR zoning district that encompasses all or a portion of the preserved area of a cluster subdivision or receiving parcel subdivision, or that is designated as a sending parcel on a final plat of easement. A preservation parcel is encumbered by a preservation parcel easement and may be buildable or non-buildable depending on whether one of the housing units permitted by zoning will be located on the parcel.
120. Preservation Parcel Easement: A permanent easement that prohibits a preservation parcel from subdivision and most types of development, as specified in the requirements for the RC and RR districts.

121. Principal Use or Structure: The main use of a lot or the structure used for the main function of a lot, as opposed to an accessory use or structure. Structures which are attached to the principal structure, either directly or by a breezeway, shall be considered part of the principal structure.
122. Project Boundary: When setbacks are required from a project boundary, this shall be based on the boundary established by the initial plan submission for the development as defined in the Subdivision and Land Development Regulations.
123. Receiving Parcel: A parcel in the DEO Overlay District which receives development rights from a sending parcel, in accordance with the requirements of the DEO District, and as a result can be subdivided at a greater density than would otherwise be allowed in the underlying zoning district.
124. Receiving Parcel Subdivision Or Receiving Subdivision: A subdivision of a receiving parcel in accordance with the requirements of the DEO Overlay District and the underlying district, using development rights that have been transferred to the receiving parcel from a sending parcel.
125. Recreational Vehicle: A vehicular-type unit which is designed for recreation, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle, and which, in general, is of such size and weight as not to require special highway movement permits when drawn by a passenger automobile or a pickup truck.
126. Recycling Collection Facility: A facility where recyclable materials are accepted from the public for distribution to users who will accept and process the materials.
127. Recyclable Material: Reusable material, including metals, glass, plastic, paper, and other materials which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include hazardous materials but may include used motor oil and antifreeze.
128. Research and Development Laboratory: A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation and test marketing.
129. Residence or Residential: A structure or part of a structure containing dwelling units, including single-family or two-family houses, boarding houses, or apartments. Residences do not include:
- a. Such transient accommodations as hotels, motels, or country inns; or
  - b. Dormitories, fraternity or sorority houses;
  - c. In a mixed use structure, that part of the structure used for any non-residential uses, except accessory to residential uses;
  - d. Recreational vehicles.
130. Residence, Single Family: A building containing only one principal dwelling unit.
131. Residential Care Facility: A residential facility that provides housing and supportive services to at least nine persons who are members of a population needing the services provided due to age or emotional, mental, physical, familial or social conditions. This term includes “assisted living facilities” as defined in these regulations. Residential care facilities provide group housing in which capacity is measured in terms of the number of beds, rather than individual dwelling units equipped with living, sleeping, and full kitchen facilities.



132. Residential Zoning District: This term includes:
- a. The RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-SI, R-VH, and PSC districts;
  - b. Residential land use areas of the NT and PGCC districts as indicated by approved comprehensive sketch plans or, for areas where there is no approved comprehensive sketch plan, by the preliminary development plan;
  - c. Residential land use areas of a MXD district as indicated by approved preliminary development plans or, if there is no approved preliminary development plan, MXD-zoned land for which the underlying zoning district is one of the districts listed above in this definition.
  - d. Residential land use areas of a TOD, CAC or CCT district.
133. Restaurant, Carry-out: An establishment, such as a delicatessen or ice cream parlor, which prepares and sells food products intended for ready consumption, which are generally packaged in paper or served in other types of disposable plates, wrappers, or containers for consumption off the premises, but which may provide thirty or fewer seats for use by eat-in customers.
134. Restaurant, Fast Food: An establishment which prepares and sells food products intended for ready consumption, which are generally packaged in paper or served in other types of disposable plates, wrappers, or containers, for consumption inside the building, on a patio, or off the premises, which provides more than 30 seats on the premises and which may include service directly to patrons in their motor vehicles. This term does not include retail grocery stores or other outlets selling food items primarily for home preparation and consumption, or pizza delivery services.
135. Restaurant, Standard: An establishment which primarily prepares food to be served on nondisposable tableware and consumed on the premises, but may provide incidental carry-out service.
136. Retreat Center: A structure, a portion of a structure, or a group of structures utilized and maintained for educational and religious conclaves, seminars and similar activities by particular educational, religious, fraternal, social, service or other groups but not open to the general public.
137. Riding Stable and Academy: Any lot used primarily for the commercial hiring out of horses or ponies or instruction in riding where three or more horses are kept for these purposes.
138. Right-of-Way, R.O.W.: A strip or parcel of land designated for use as a street, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses. For public streets, the right-of-way width shall be as required by the State for State roads and the Howard County Design Manual for County Roads.
139. Route 1 Corridor Development Project: One or more parcels developed under an integrated design that meets the standards of the Route 1 Manual. Compliance with the manual must be shown on the subdivision plan (where applicable) and on each site development plan for parcels within the project. Where these regulations conditionally permit certain uses if specific acreage, use or design requirements are met, a site development plan demonstrating that all requirements will be met before the completion of the project must be approved prior to or concurrent with approval of the site development plan for the conditionally permitted use. Construction may be phased, but the conditionally permitted use may not be developed until the acreage, use, or design requirements are met.

140. Rubble: Those waste materials considered acceptable for disposal in rubble landfills as defined in these regulations and shall include the following:
- a. Land clearing debris.
  - b. Demolition debris.
  - c. Construction debris and other material deemed acceptable for disposal according to State law and regulation.
141. Rubble Landfill Facility: Any facility where non-hazardous rubble waste material is received for disposal on the site.
142. Scenic Road: A public road or road segment listed in the Scenic Roads Inventory adopted by the County Council in accordance with Section 16.1403 of the Howard County Code.
143. School, Academic: An institution which offers an academic course of instruction, operated either by an established religious organization or under a certificate of approval issued by the Maryland State Department of Education.
144. Sending Parcel: A parcel in the DEO Overlay District from which development rights are removed and transferred to a receiving parcel in accordance with the requirements of the DEO District. A sending parcel is a type of preservation parcel and is subject to a preservation parcel easement.
145. Setback: The distance between a structure or use and a boundary such as a lot line, project boundary, right-of-way line, or zoning district boundary. A setback is measured as the shortest horizontal distance between the project boundary and the nearest point of the use, structure or projection thereof. Where these regulations require a minimum setback from a zoning district or right-of-way, and the property subject to the setback does not abut or adjoin the zoning district or right-of-way, the required setback is measured across the intervening properties.
146. Setback, Front: Extends across the full width of the lot, between the front public street right-of-way or front lot line and the nearest line of the structure or enclosed portion thereof:
- a. For lots that front directly on a public street, the front setback is measured from the public street right-of-way providing access to the lot and towards which the front of the house is to be oriented.
  - b. For pipestem lots and lots with no frontage on a public street, the front setback is measured from the front lot line assigned when the lot is recorded. The front lot line is the lot line towards which the front of the house is to be oriented and shall be selected in order to provide the best utilization of the lot and greatest privacy for the adjacent lots.
147. Setback, Rear: Extends across the full width of the lot, between the rear lot line and the nearest line of the structure, porch or projection thereof. The rear lot line is opposite the lot line from which the front setback is measured. For a lot with more than four sides, the rear setback is measured from all segments of the lot boundary that are opposite the front lot line.
148. Setback, Side: Extends between the side lot line or side public street right-of-way and the nearest line of the structure or projection thereof, extending from the front setback to the rear setback, or, in the absence of either of such setbacks, to the front public street right-of-way and/or rear lot line.

149. Shopping Center: A group of six or more retail uses or retail and service uses that are designed, developed and managed as an integral entity and that share common vehicular access and parking.
150. Site Development Plan: A plan prepared in accordance with the Subdivision and Land Development Regulations indicating the location of existing and proposed structures, paved areas, trails, walkways, vegetative cover, existing and proposed grades, initial landscaping, screening and other required items within a site proposed for development.
151. Sketch Plan: A sketch indicating the developer's general objectives and lay-out for development of the land. The basic role of the sketch plan is to allow the County to provide the developer with important information that may affect the project and to ensure that the plan complies with zoning regulations and incorporates good planning and development principles.
152. Solid Waste: Garbage, refuse, rubble, construction debris, demolition debris, land clearing debris, and other discarded materials. This term does not include hazardous waste.
153. Solid Waste Processing Facility: A combination of structures, machinery or devices used to reduce or alter the volume, chemical characteristics, or physical characteristics of solid waste. This term includes incinerators, solid waste transfer stations, material recovery facilities, and yard waste composting facilities as defined in these Regulations, enclosed sludge storage facilities, and any other use which meets this definition but is not specifically defined in these regulations. This term does not include a landfill or a solid waste generator who processes his or her own solid waste at the site of generation and disposes of the processed waste at an approved disposal site in accordance with State or Federal regulations.
154. Specialty Store: A retail business that offers a particular type or category of merchandise for sale or rental. Examples include but are not limited to stores specializing in art supplies, bicycles, books, cards, electronics, fabrics, flowers, gifts, hobbies, housewares, jewelry, luggage, musical instruments, news publications, optical goods, pets, photographic supplies, radios and televisions, sewing machines, sporting goods, stationary, video tapes, or works of art.
155. Steep Slopes: A slope that averages 25 percent or greater over 10 vertical feet.
156. Street Right-of-Way, External: A public street which provides frontage to land that is part of a subdivision, but which is not contained entirely or predominantly within the subdivision and is not constructed primarily to serve the subdivision.
157. Street Right-of-Way, Internal: A public street which is contained entirely or predominantly within a subdivision and is constructed primarily to serve the subdivision.
158. Story: That part of a structure between the surface of a floor and the ceiling immediately above.
159. Structure: Anything constructed or built, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground. The following shall not be considered structures for bulk regulation purposes:
- a. Awnings, bus shelters, exterior lighting fixtures, fire hydrants, mail boxes, telephone equipment boxes, newspaper boxes and survey monuments;
  - b. Gardens, driveways, walks, patios, and parking surfaces;
  - c. Ground level decks, limited to decks elevated 18 inches or less above average grade and having no railing, walls or roofing;
  - d. Noise barriers or noise walls;

- e. Signs are not considered to be a structure or part of a structure, and are regulated by the Howard County Code.
- f. Stormwater management facilities;
- g. Similar minor structures as determined by the Department of Planning and Zoning on a case-by-case basis.

Basketball hoops, fences, swimming pools and their ancillary equipment, sheds excluding animal shelters, above ground fuel tanks, vending machines, and play equipment that is permanently attached to the ground are considered to be structures.

- 160. Swimming Pool, Commercial: A swimming pool operated for profit and open to members or the general public.
- 161. Swimming Pool, Community: A swimming pool which is:
  - a. owned and operated by members of a club, cooperative or association;
  - b. not operated for profit; and
  - c. restricted primarily to use by members and their guests.
- 162. Traditional Residential Neighborhood: A development in the R-ED, R-SC, R-SA-8, R-A-15 or R-MH Districts characterized by all of the following elements:
  - a. A range of house types and/or lot sizes are provided.
  - b. Streets are laid out in a grid or network with multiple links between points.
  - c. Streets serve the needs of pedestrians and automobiles equitably.
  - d. Building facades form a visual edge along streets and squares.
  - e. The streetscape is defined and enclosed through small setbacks, a consistent treatment of architecture and other design elements, and extensive tree planting.
  - f. Formal open space areas such as squares and parks, which are visually prominent and clearly defined by roads or other physical boundaries, provide a community focus and places for social activity and recreation.
  - g. Civic buildings may be used to reinforce the identity of the neighborhood, providing places of assembly for social, cultural or religious activities.
  - h. Off-street parking areas and garages are visually unobtrusive.
- 163. Use:
  - a. Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; or
  - b. Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure, or on a tract of land; except that, wells, septic systems and storm water management systems are not considered uses for purposes of these regulations.
  - c. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
- 164. Variance: A grant of relief to a zoning regulation in a specific case concerning parking requirements or the bulk area or other dimensional requirements for a zoning district. Variances are not applicable in any district for which bulk regulations are controlled by a final development plan. Unless otherwise specified in the regulations, variances are not applicable to requirements that are conditions for allowing a specific use.
- 165. Volunteer Fire Department: A facility operated by a volunteer fire company and used principally for fire protection services.

166. Waste Transfer Station: A facility which accepts non-hazardous solid waste from loaded collection trucks and consolidates and transfers it to other vehicles for transportation to solid waste acceptance facilities. Such a facility may include a material recovery function to allow the selective separation of solid waste to recover recyclable materials and process them for sale.
167. Yard Waste Composting Facility: A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.
168. Zero Lot Line Development: A development of single-family detached units in which one or more units are located less than seven and one-half feet from a side lot line, but no less than 15 feet from the nearest structure on another lot.
169. Zoning Maps: Maps incorporated into the provisions of these regulations in accordance with the provisions of Section 100 C, "District Maps."

## **SECTION 104: RC (Rural Conservation) District**

### **A. Purpose**

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

### **B. Uses Permitted as a Matter of Right**

The following uses are permitted as a matter of right in the RC District, except that only the uses listed in Section 104.F.7.b shall be permitted on the preserved area of cluster subdivisions.

1. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock shall be permitted.
2. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
3. One single-family detached dwelling unit per lot.
4. Commercial feed mills and commercial grain processing or storage facilities, provided that all uses connected with such facilities shall be at least 200 feet from property lines.
5. Convents and monasteries used for residential purposes.
6. Governmental structures, facilities and uses including public schools and colleges.
7. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
9. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.

10. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.
11. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
12. Volunteer fire departments.
13. Bed and Breakfast Inn on a farm that is subject to an agricultural land preservation easement, provided that:
  - a. The building existed at the time that the easement was established; and
  - b. The Inn is managed by persons residing on the same parcel or on a contiguous parcel that is under the same ownership and part of the same farm.

**C. Accessory Uses**

The following are permitted accessory uses in the RC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Accessory houses, limited to the following:
  - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
  - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments.
4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.C.1.

6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an agricultural land preservation easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
  - a. Blacksmith shop
  - b. Farm machinery repair
  - c. Lawn and garden equipment repair
  - d. Welding
10. Farm stands, subject to the requirements of Section 128.J.1.
11. Snowball stands, subject to the requirements of Section 128.D.5.
12. Home-based contractors, subject to the requirements of Section 128.C.2.
13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.D.6.
14. Value-added processing of agricultural products, subject to the requirements of Section 128.I.
15. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.J.2 and 128.J.3.

**D. Eligibility for Subdivision**

1. Parcels of less than 6 acres shall be subdivided in accordance with the non-cluster subdivision requirements of Section 104.E.



2. Parcels of 6 acres or greater but less than 20 acres may be subdivided either in accordance with the cluster subdivision requirements of Section 104.E (Bulk Requirements) and Section 104.F (Cluster Subdivision Requirements), or in accordance with the non-cluster subdivision requirements of Section 104.E.
3. Parcels of 20 acres or larger shall be subdivided in accordance with the cluster subdivision requirements of Section 104.E. and 104.F, except that parcels located within 2500 feet of the normal water level of a water supply reservoir, as determined by the appropriate state agency, may be subdivided in accordance with the non-cluster subdivision requirements of Section 104.E.
4. Parcels 100 acres or larger may be subdivided in accordance with the large parcel subdivision requirements of Section 104.E.

**E. Bulk Requirements**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Density and Lot Size Requirements

a. Density for Cluster Subdivisions

Density requirements for cluster subdivisions are given in Section 104.F.1.

b. Minimum Lot Size

	<u>Cluster Subdivision</u>	<u>Non-Cluster Subdivision</u>	<u>Large Parcel Subdivision</u>
With shared septic system drainfield	33,000 sq. ft.	3 acres	Not applicable
With individual septic system drainfield	40,000 sq. ft.	3 acres	50 acres
Non-buildable preservation parcels	None	Not applicable	Not applicable

c. Maximum Lot Size

In cluster subdivisions, the maximum lot size for cluster lots shall be 50,000 square feet, however, upon the recommendation of the Health Department, the Department of Planning and Zoning may allow the size of specific lots to be increased up to a maximum of 60,000 square feet. There shall be no maximum size for preservation parcels.

2. Maximum Height Limitations

- a. Principal structures with gable, hip or gambrel roofs.....40 feet
- b. Principal structures with other roof types.....34 feet
- c. Detached accessory houses .....34 feet
- d. Other Accessory structures.....25 feet

3. Minimum lot width at building restriction line
  - a. Lots 3 acres or larger .....200 feet
  - b. Lots less than 3 acres.....100 feet
4. Minimum setback requirements- structures
  - a. Lots 3 acres or larger:
    - (1) Principal structures - from collector or arterial public street right-of-way.....75 feet
    - (2) Front .....75 feet
    - (3) Side
      - (a) From public street right-of-way .....60 feet
      - (b) Other.....30 feet
    - (4) Rear
      - (a) All structures -- from public street right-of-way .....75 feet
      - (b) Principal structure .....60 feet
      - (c) Accessory structure .....10 feet
  - b. Lots less than 3 acres:
    - (1) Principal structures - from collector or arterial public street right-of-way.....75 feet
    - (2) Front .....50 feet
    - (3) Side
      - (a) From public street right-of-way .....30 feet
      - (b) Other.....10 feet
    - (4) Rear
      - (a) All structures -- from public street right-of-way .....50 feet
      - (b) Principal structure .....30 feet
      - (c) Accessory structure .....10 feet
5. Minimum setback requirements – uses

All uses (other than structures) not accessory to farming or single-family detached dwellings shall be at least 50 feet from public street rights-of-ways and 30 feet from all other lot lines.

6. Bulk Requirements for Agricultural Land Preservation Districts and Easements

Within Agricultural Land Preservation Districts and Easements, other than easements which are the preserved area of a cluster subdivision, lots may be created pursuant to the applicable State and Howard County laws and regulations governing the district or easement, subject to the following requirements.

- a. The following requirements shall apply instead of the requirements of Section 104.E.1.
 

Lot size:       maximum -- 1 acre  
                      minimum -- 40,000 square feet
- b. All bulk regulations of Section 104.E.2. through 104.E.5. remain applicable.

## **F. Cluster Subdivision Requirements**

### **1. Subdivision and Density Requirements**

- a. A cluster subdivision consists of cluster lots, which are located on a portion or portions of the parcel being subdivided, and a preserved area, which is the entire residual area of the parcel being subdivided.
- b. The preserved area should be retained as a single preservation parcel whenever possible. It may be divided into more than one preservation parcel only at the time that the preserved area is originally recorded and only in accordance with the purposes of the RC District.
- c. The maximum number of cluster lots which may be created shall be the sum of the following:
  - (1) One cluster lot per 4.25 gross acres of area in the parcel being subdivided (the base density).
  - (2) If the cluster subdivision will create at least one preservation parcel larger than 25 acres, and the parcel being subdivided has not been reduced in size since September 18, 1992, one additional cluster lot may be created per 25 gross acres within the largest preservation parcel. The additional dwellings shall be placed on additional cluster lots, except that one principal dwelling unit may be placed on the preserved area.
- d. Only one preservation parcel within a cluster subdivision may be improved by a dwelling. If a dwelling unit is to be allowed on a preservation parcel, the number of permitted cluster lots shall be decreased by one.
- e. The maximum density of one dwelling unit per 4.25 gross acres refers to principal dwelling units and not to accessory uses such as farm tenant houses, caretaker dwellings or accessory apartments.
- f. A preservation parcel easement for the required preserved area of a cluster subdivision shall be recorded at the same time that the final plats are recorded for the cluster lots in the subdivision, except as permitted by Section 104.F.1.h.
- g. Cluster subdivisions may be recorded in phases as long as a preservation parcel easement for the required preserved area is recorded for each phase. Preservation parcel easements will normally encumber an entire preservation parcel. However, they may encumber a portion of a parcel as a temporary measure to allow phasing of the subdivision or the transfer of density. Bulk parcels of unencumbered land may be recorded for future sections of cluster lots.
- h. The restrictions and requirements for the preserved area shall not apply to the residual land of a minor subdivision (three or fewer lots plus a residual parcel) if the base density of one cluster lot per 4.25 acres is not exhausted, but shall apply at the time that a major subdivision is recorded.

## 2. Design Standards

The design of a cluster subdivision shall reflect the intended principal use or uses of the preservation parcels. The Preliminary Equivalent Sketch Plan submission shall include a justification for the proposed design that explains how it accomplishes the following objectives:

- a. Locate and arrange cluster lots and subdivision roads to create consolidated preservation parcels appropriately shaped for one or more of the permitted uses listed in Section 104.F.3. Generally, most of the preserved area shall be within preservation parcels designed to be suitable for agricultural use, protection of environmental features, or provision of a buffer between cluster lots and adjacent non-cluster lots, a scenic road, a historic site, or farmland.
- b. Avoid fragmentation of the preserved area into small, irregularly shaped preservation parcels.
- c. Locate preservation parcels to be contiguous with adjacent preserved land, if any. Preserved land includes State or County parkland, land subject to a permanent preservation easement held by a governmental agency or land trust, and land held for protection of a water supply reservoir.
- d. Minimize potential adverse impacts on existing farm operations.
- e. Configure preservation parcels to provide frontage and public street access that will be suitable for potential agricultural and agribusiness uses, minimizing conflicts with residential traffic from cluster lots.
- f. Avoid the need for removal of existing hedge rows or tree stands, particularly along public street rights-of-ways and between housing and farmland; and
- g. Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.

## 3. Permitted Uses on Preservation Parcels.

- a. Only the following uses may be permitted as a matter of right on preservation parcels:
  - (1) Farming.
  - (2) Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
  - (3) One single-family detached dwelling unit on the preserved area for a cluster subdivision, if provided for as required by Section 104.F.
  - (4) Commercial feed mills and commercial grain processing or storage facilities, provided that all uses connected with such facilities shall be at least 200 feet from lot lines.
  - (5) Private outdoor recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - (6) Government uses, limited to public schools, conservation areas, parks, and recreational facilities.

- (7) Sales of Christmas trees or other seasonal decorative plant material, between December first and January first, subject to the requirements given in Section 128.D.
  - (8) Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.
  - (9) Commercial communication antennas attached to structures, subject to the requirements of Section 128.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
  - (10) Bed and Breakfast Inns subject to the requirements of Section 104.B.13.
- b. All of the accessory uses listed in Section 104.C may be permitted as accessory uses on preservation parcels, provided that farm tenant houses and caretaker dwellings shall only be permitted on preservation parcels which are improved by a principal dwelling unit.
  - c. Conditional uses which do not require construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel up to a maximum of 1 acre may be allowed on preservation parcels, provided the land area used is not suitable for agriculture. In addition, the following conditional uses which may require additional structures or land area may be permitted on preservation parcels:
    - (1) Agribusiness, limited to the uses itemized in Section 131.N.2
    - (2) Country clubs and golf courses
    - (3) Farm tenant houses on lots of at least 25 but less than 50 acres
    - (4) Riding academies and stables
    - (5) Charitable or philanthropic institutions dedicated to environmental conservation

Conditional uses shall not be allowed on preservation parcels (or on the portion of a parcel encumbered by a preservation parcel easement) unless they support the primary purpose of the preservation parcel and are approved by the Board of Appeals in accordance with the applicable provisions of Sections 130 and 131 of these Regulations.

#### 4. Requirements For Preservation Parcel Easements

- a. The easement agreement for each preservation parcel shall be approved by the County and executed by the property owner prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
  - (1) The location and size of the preservation parcel.
  - (2) Existing improvements on the preservation parcel.
  - (3) A prohibition on future residential, commercial or industrial development of the preservation parcel, other than the uses listed in Subsection F.3, "Permitted Uses on Preservation Parcels." The easement must specify the primary purpose of the preservation parcel, and prohibit the use of the preservation parcel for incompatible uses.
  - (4) A prohibition on future subdivision of the preservation parcel.
  - (5) Provisions for maintenance of the preservation parcel.
  - (6) Responsibility for enforcement of the easement.

- (7) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.
- b. Unless an easement for a preservation parcel is donated to the Agricultural Land Preservation program, at least two of the following entities shall be parties to the easement in addition to the property owner:
  - (1) Howard County government;
  - (2) Maryland Environmental Trust or Maryland Historical Trust;
  - (3) A land conservation organization; or
  - (4) A homeowners association comprised of a minimum of three lots which are directly associated with the preservation parcel.

Only one of the above parties is required for easements on preservation parcels that are created solely to encompass storm water management or shared sewage disposal facilities or if the preservation parcel will be owned by Howard County.

- c. If the Preservation Easement is donated as an Agricultural Land Preservation Easement, the easement shall be held by Howard County or the State of Maryland.
- d. If a property owner selects Howard County as an easement holder for a preservation parcel, Howard County shall have the option of choosing whether the easement is donated to the Howard County Agricultural Land Preservation Program or held by the County under another type of preservation parcel easement, based on the characteristics and designated principal uses of the preservation parcel.

#### **G. Conditional Uses**

The following are conditional uses in the RC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Agribusiness
3. Aircraft Landing and Storage Areas (Private Ownership)
4. Animal Hospitals
5. Antique Shops, Art Galleries and Craft Shops (Commercial)
6. Athletic Facilities, Outdoor
7. Beauty Parlor/Barber Shop
8. Bed and Breakfast Inns
9. Boarding Houses
10. Bottling of Spring or Well Water
11. Cemeteries and Mausoleums
12. Charitable and Philanthropic Institutions
13. Communication Towers or Antennas (Commercial)
14. Country Clubs and Golf Courses
15. Country Inns
16. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
17. Entrance Features for Subdivisions – Buildings
18. Farm Tenant House
19. Funeral Homes and Mortuaries
20. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
21. Home-Based Contractors

- 22. Home Occupations
- 23. Kennels and Pet Grooming Establishments
- 24. Landscape Contractors and Retail Greenhouses or Nurseries
- 25. Museums and Libraries
- 26. Nonprofit Clubs, Lodges, Community Halls and Camps
- 27. Nursing Homes and Residential Care Facilities
- 28. Quarries - Rock, Stone, Sand and Borrow Pits
- 29. Religious Activities, Structures Used Primarily for
- 30. Retreat Center
- 31. Riding Academies and Stables
- 32. Rubble Landfill and Land Clearing Debris Landfill Facilities
- 33. Sawmills and Mulch Manufacture
- 34. School Buses (Parking and Storage)
- 35. Schools, Colleges, Universities - Private (Academic)
- 36. Shooting Ranges - Outdoor Rifle, Pistol, Skeet and Trap
- 37. Two-Family Dwellings
- 38. Utility Uses, Public
- 39. Yard Waste Composting Facility

## **SECTION 105: RR (Rural Residential) District**

### **A. Purpose**

The Rural Residential District is established to allow low density residential development within a rural environment. The Rural Residential District is intended for an area of the County which is already largely committed to low density residential subdivisions. Within the RR District, agriculture is permitted as well as residential development in both cluster and non-cluster forms. Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land.

### **B. Uses Permitted as a Matter of Right**

The following uses are permitted as a matter of right in the RR District, except that only the uses listed in Section 105.F.7.b shall be permitted on the preserved area of a cluster subdivision.

1. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock shall be permitted.
2. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
3. One single-family detached dwelling unit per lot.
4. Convents and monasteries used for residential purposes.
5. Governmental structures, facilities and uses including public schools and colleges.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.
9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.
10. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
11. Volunteer fire departments.



12. Bed and Breakfast Inn on a farm that is subject to an Agricultural Land Preservation Easement, provided that:
  - a. The building existed at the time that the easement was established; and
  - b. The inn is managed by persons residing on the same parcel or on a contiguous parcel that is under the same ownership and part of the same farm.

**C. Accessory Uses**

The following are permitted accessory uses in the RR District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Accessory houses, limited to the following:
  - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
  - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments.
4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.C.1.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
- 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an agricultural land preservation easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
  - a. Blacksmith shop
  - b. Farm machinery repair
  - c. Lawn and garden equipment repair
  - d. Welding
- 10. Farm stands subject to the requirements of Section 128.J.1.
- 11. Snowball stands, subject to the requirements of Section 128.D.5.
- 12. Home-based contractor, subject to the requirements of Section 128.C.2.
- 13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.D.6.
- 14. Value-added processing of agricultural products, subject to the requirements of Section 128.I.
- 15. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Sections 128.J.2 and 128.J.3.

**D. Eligibility for Subdivision**

- 1. Parcels of less than 6 acres shall be subdivided in accordance with the non-cluster subdivision requirements of Section 105.E.
- 2. Parcels of 6 acres or greater may be subdivided either in accordance with the cluster subdivision requirements of Section 105.E. (Bulk Requirements) and Section 105.F. (Cluster Subdivision Requirements), or in accordance with the non-cluster subdivision requirements of Section 105.E. (Council Bill 47-1999 (ZRA-24), effective 1/9/00).

E. **Bulk Requirements**  
(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Density and Lot Size Requirements

a. Density for Cluster Subdivisions

Density requirements for cluster subdivisions are given in Section 105.F.1.

b. Minimum Lot Size

	<u>Cluster Subdivision</u>	<u>Non-Cluster Subdivision</u>	<u>Large Parcel Subdivision</u>
With shared septic system drainfield	33,000 sq. ft.	3 acres	Not applicable
With individual septic system drainfield	40,000 sq. ft.	3 acres	50 acres
Non-buildable preservation parcels	None	Not applicable	Not applicable

c. Maximum lot size

In cluster subdivisions, the maximum lot size for cluster lots shall be 50,000 square feet, however based on the recommendation of the Health Department, the Department of Planning and Zoning may allow the size of specific lots to be increased up to a maximum of 60,000 square feet. There shall be no maximum size for preservation parcels.

2. Maximum Height Limitations

- a. Principal structures with gable, hip or gambrel roofs.....40 feet
- b. Principal structures with other roof types.....34 feet
- c. Detached accessory houses .....34 feet
- d. Other Accessory structures.....25 feet

3. Minimum lot width at building restriction line

- a. Lots 3 acres or larger .....200 feet
- b. Lots less than 3 acres.....100 feet

4. Minimum setback requirements – structures

a. Lots 3 acres or larger:

- (1) Principal structures - from collector or arterial public street  
right-of-way.....75 feet
- (2) Front .....75 feet
- (3) Side

- (a) From public street right-of-way .....60 feet
    - (b) Other.....30 feet
  - (4) Rear
    - (a) All structures - from public street right-of-way .....75 feet
    - (b) Principal structure .....60 feet
    - (c) Accessory structure .....10 feet

b. Lots less than 3 acres:

- (1) Principal structures - from collector or arterial public street right-of-way.....75 feet
  - (2) Front .....50 feet
  - (3) Side
    - (a) From public street right-of-way .....30 feet
    - (b) Other.....10 feet
  - (4) Rear
    - (a) All structures - from public street right-of-way .....50 feet
    - (b) Principal structure .....30 feet
    - (c) Accessory structure .....10 feet

5. Minimum setback requirements – uses

All uses (other than structures) not accessory to farming or single-family detached dwellings shall be at least 50 feet from public street rights-of-way and 30 feet from all other lot lines.

6. Bulk Requirements for Agricultural Land Preservation Districts and Easements

Within Agricultural Land Preservation Districts and Easements, other than easements which are the preserved area of a cluster subdivision, lots may be created pursuant to the applicable State and Howard County laws and regulations governing the district or easement, subject to the following requirements:

- a. The following requirements shall apply instead of the requirements of Section 105.E.1.

Lot size:                      maximum -- 1 acre  
                                      minimum -- 40,000 sq. ft.

- b. All bulk regulations of Section 105.E.2 through 105.E.5 remain applicable.

**F. Cluster Subdivision Requirements**

1. Subdivision and Density Requirements

- a. A cluster subdivision consists of cluster lots, which are located on a portion or portions of the parcel subdivided, and a preserved area, which is the entire residual area of the parcel being subdivided.
- b. The preserved area should be retained as a single preservation parcel whenever possible. It may be divided into more than one preservation parcel only at the time that the preserved area is originally recorded and only in accordance with the purposes of the RR District.

- c. The maximum number of cluster lots which may be created shall be the sum of the following:
    - (1) One cluster lot per 4.25 gross acres of area in the parcel being subdivided (the base density).
    - (2) If the cluster subdivision will create at least one preservation parcel larger than 25 acres, and the parcel being subdivided has not been reduced in size since September 18, 1992, one additional cluster lot may be created per 25 gross acres within the largest preservation parcel. The additional dwellings shall be placed on additional cluster lots, except that one principal dwelling unit may be placed on the preserved area.
  - d. Only one preservation parcel within a cluster subdivision may be improved by a dwelling. If a dwelling unit is to be allowed on a preservation parcel, the number of permitted cluster lots shall be decreased by one.
  - e. The maximum density of one dwelling unit per 4.25 gross acres refers to principal dwelling units and not to accessory uses such as farm tenant houses, caretaker dwellings or accessory apartments.
  - f. A preservation parcel easement for the required preserved area of a cluster subdivision shall be recorded at the same time that the final plats are recorded for the cluster lots in the subdivision, except as permitted by Section 105.F.1h.
  - g. Cluster subdivisions may be recorded in phases as long as a preservation parcel easement for the required preserved area is recorded for each phase. Preservation parcel easements will normally encumber an entire preservation parcel. However, they may encumber a portion of a parcel as a temporary measure to allow phasing of the subdivision or the transfer of density. Bulk parcels of unencumbered land may be recorded for future sections of cluster lots.
  - h. The restrictions and requirements for the preserved area shall not apply to the residual land of a minor subdivision (three or fewer lots plus a residual parcel) if the base density of one cluster lot per 4.25 acres is not exhausted, but shall apply at the time that a major subdivision is recorded.
2. Design Standards

The design of a cluster subdivision shall reflect the intended principal use or uses of the preservation parcel. The Preliminary Equivalent Sketch Plan submission shall include a justification for the proposed design that explains how it accomplishes the following objectives:

- a. Locate and arrange cluster lots and subdivision roads to create consolidated preservation parcels appropriately shaped for one or more of the permitted uses listed in section 105.F.3. Generally, most of the preserved area shall be within preservation parcels designed to be suitable for agricultural use, protection of environmental features, or provision of a buffer between cluster lots and adjacent non-cluster lots, a scenic road, a historic site, or farmland.
- b. Avoid fragmentation of the preserved area into small, irregularly shaped preservation parcels.

- c. Locate preservation parcels to be contiguous with adjacent preserved land, if any. Preserved land includes State or County parkland, land subject to a permanent preservation easement held by a governmental agency or land trust, and land held for protection of a water supply reservoir.
  - d. Minimize potential adverse impacts on existing farm operations.
  - e. Configure preservation parcels to provide frontage and public street access that will be suitable for potential agricultural and agribusiness uses, minimizing conflicts with residential traffic from cluster lots.
  - f. Avoid the need for removal of existing hedge rows or tree stands, particularly along public street rights-of-way and between housing and farmland; and
  - g. Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.
3. Permitted Uses on Preservation Parcels
- a. Only the following uses may be permitted as a matter of right on preservation parcels:
    - (1) Farming.
    - (2) Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
    - (3) One single-family detached dwelling unit on the preserved area of a cluster subdivision, if provided for as required by Section 105.F.
    - (4) Private outdoor recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
    - (5) Government uses, limited to public schools, conservation areas, parks, and recreational facilities.
    - (6) Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements given in Section 128.D.
    - (7) Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
    - (8) Commercial communication antennas attached to structures, subject to the requirements of Section 128.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
    - (9) Bed and Breakfast Inns subject to the requirements of Section 105.B.12.
  - b. All of the accessory uses listed in Section 105.C may be permitted as accessory uses on preservation parcels, provided that farm tenant houses and caretaker dwellings shall only be permitted on preservation parcels which are improved by a principal dwelling unit.
  - c. Conditional uses which do not require construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel up to a maximum of 1 acre may be allowed on preservation parcels, provided the land area used is not suitable

for agriculture. In addition, the following conditional uses which may require additional structures or land area may be permitted on preservation parcels:

- (1) Country clubs and golf courses
- (2) Farm tenant houses on lots of at least 25 but less than 50 acres
- (3) Riding academies and stables
- (4) Wineries
- (5) Charitable or philanthropic institutions dedicated to environmental conservation

Conditional uses shall not be allowed on preservation parcels (or on the portion of a parcel encumbered by a preservation parcel easement) unless they support the primary purpose of the preservation parcel and are approved by the Board of Appeals in accordance with the applicable provisions of Sections 130 and 131 of these regulations.

#### 4. Requirements for Preservation Parcel Easements

- a. The easement agreement for each preservation parcel shall be approved by the County and executed by the property owner prior to recordation. The easement shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:

- (1) The location and size of the preservation parcel.
- (2) Existing improvements on the preservation parcel.
- (3) A prohibition on future residential, commercial or industrial development of the preservation parcel, other than the uses listed in subsection F.3, "Permitted Uses on Preservation Parcels." The easement must specify the primary purpose of the preservation parcel, and prohibit the use of the preservation parcel for incompatible uses.
- (4) A prohibition on future subdivision of the preservation parcel.
- (5) Provisions for maintenance of the preservation parcel.
- (6) Responsibility for enforcement of the agreement.
- (7) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.

- b. Unless an easement for a preservation parcel is donated to the Agricultural Land Preservation program, at least two of the following entities shall be parties to the easement in addition to the property owner:

- (1) Howard County government;
- (2) Maryland Environmental Trust or Maryland Historical Trust;
- (3) A land conservation organization; or
- (4) A homeowners association comprised of a minimum of three lots which are directly associated with the preservation parcel.

Only one of the above parties is required for easements on preservation parcels that are created solely to encompass storm water management or shared sewage disposal facilities or if the preservation parcel will be owned by Howard County.

- c. If the preservation easement is donated as an Agricultural Land Preservation Easement, the easement shall be held by Howard County or the State of Maryland.
- d. If a property owner selects Howard County as an easement holder for a preservation parcel, Howard County shall have the option of choosing whether the easement is donated to the Howard County Agricultural Land Preservation Program or held by the

County under another type of preservation parcel easement, based on the characteristics and designated principal uses of the preservation parcel.

**G. Conditional Uses**

The following are conditional uses in the RR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Aircraft Landing and Storage Areas (Private Ownership)
3. Animal Hospitals
4. Antique Shops, Art Galleries and Craft Shops (Commercial)
5. Athletic Facilities, Outdoor
6. Beauty Parlor/Barber Shop
7. Bed and Breakfast Inns
8. Bottling of Spring or Well Water
9. Boarding Houses
10. Cemeteries and Mausoleums
11. Charitable and Philanthropic Institutions
12. Communication Towers or Antennas (Commercial)
13. Country Clubs and Golf Courses
14. Country Inns
15. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
16. Entrance Features for Subdivisions – Buildings
17. Farm Tenant House
18. Funeral Homes and Mortuaries
19. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
20. Home-Based Contractors
21. Home Occupations
22. Kennels and pet Grooming Establishments
23. Landscape Contractors and Retail Greenhouses or Nurseries
24. Museums and Libraries
25. Nonprofit Clubs, Lodges, Community Halls and Camps
26. Nursing Homes and Residential Care Facilities
27. Quarries - Rock, Stone, Sand, and Borrow Pits
28. Religious Activities, Structures Used Primarily For
29. Retreat Center
30. Riding Academies and Stables
31. Rubble Landfill and Land Clearing Debris Landfill Facilities
32. Sawmills and Mulch Manufacture
33. School buses (Parking and Storage)
34. Schools, Colleges, Universities - Private (Academic)
35. Shooting Ranges - Outdoor Rifle, Pistol, Skeet and Trap
36. Two-Family Dwellings
37. Utilities Uses, Public
38. Yard Waste Composting Facility





## **SECTION 106: DEO (Density Exchange Option) Overlay District**

### **A. Purpose**

The DEO Overlay District is established to provide land owners in the RC and RR Districts with opportunity and incentive to preserve significant blocks of farmland in the rural area of the county. This district is also intended to encourage the clustering of residential development in areas where the development will not have an adverse impact on farm operations. To accomplish this, the DEO District allows residential density in the RC and RR Districts to be exchanged between parcels. Density exchanges in the District should result in large parcels being preserved in perpetuity, while residential development is directed toward parcels which are able to absorb the additional dwellings.

### **B. Criteria**

Residential density may be exchanged between properties which are eligible to be sending and receiving parcels based on the criteria given below.

#### **1. Sending Parcels**

Properties within the DEO Overlay District which meet the following criteria are eligible to be sending parcels:

- a. The underlying zoning shall be RC;
- b. The minimum preservation parcel easement area shall be 20 acres for all sending parcels;
- c. The sending area shall not be subject to a forest conservation easement or other recorded easement that reduces or removes its development rights. If a portion of a parcel is encumbered with such an easement, the encumbered area shall be subtracted from the acreage of the sending parcel for density calculations. After the encumbered acreage is deducted, the sending parcel must still fulfill the size criteria specified in paragraph 1.b of this subsection.
- d. A property consisting of one or more contiguous parcels or lots may be eligible to be a sending parcel if the parcels, when combined meet the size criteria specified in paragraph 1.b. All parcels that do not meet the size criteria specified in paragraph 1.b of this subsection must be combined at the time that the preservation easement agreement for the sending parcel is recorded.

#### **2. Receiving Parcels - Density Exchange Option**

Parcels within the DEO Overlay District which are eligible for cluster subdivision and which meet the following criteria are eligible to be receiving parcels using the density exchange option as described in Subsection E., Bulk Requirements. (Council Bill 47-1999 (ZRA-24), effective 1/9/00).

- a. The underlying zoning shall be RC or RR.
- b. The receiving parcel shall not be located within 2,500 feet of the normal water level of a water supply reservoir, as determined by the appropriate state agency according to state law and/or regulations; (Amended Council Bill No. 35-1999 (ZRA-22), effective 9/7/99.) If a portion of a parcel is within this 2,500 foot restricted area, that portion is

ineligible to be a receiving area and shall be subtracted from the acreage of the parcel to determine potential receiving area and density.

- c. The receiving parcel shall not be subject to a forest conservation easement or other recorded easement that reduces or removes its development rights. If a portion of a parcel is encumbered with such an easement, the encumbered area shall be subtracted from the acreage of the parcel to determine the potential receiving area and density.
- d. If the underlying zoning is RC, the parcel shall be less than 50 acres in size and adjacent to lots or parcels of 10 acres or smaller along at least 60 percent of its perimeter within Howard County. For purposes of this section, parcels separated by a utility right-of-way or public street right-of-way, other than a principal arterial highway, shall be considered adjacent. The portion of the parcel perimeter adjacent to a principal arterial highway or the Howard County boundary shall not be included in this calculation.

### 3. Receiving Parcels - Cluster Exchange Option

Parcels within the DEO Overlay District which are eligible for cluster subdivision and which meet the following criteria are eligible to be receiving parcels using the cluster exchange option as described in Subsection E., Bulk Requirements. (Council Bill 47-1999 (ZRA-24), effective 1/9/00)

- a. The underlying zoning shall be RC;
- b. The receiving parcel shall not be located within 2,500 feet of normal water level of a water supply reservoir, as determined by the appropriate state agency according to state law or regulations. If a portion of a parcel is within this 2,500 foot restricted area, that portion is ineligible to be a receiving area and shall be subtracted from the acreage of the parcel to determine potential receiving area and density.
- c. The receiving parcel shall not be subject to a forest conservation easement or other recorded easement that reduces or removes its development rights. If a portion of a parcel is encumbered with such an easement, the encumbered area shall be subtracted from the acreage of the parcel to determine the potential receiving area and density.

### C. **Uses Permitted as a Matter of Right**

Uses permitted as a matter of right shall be as permitted in the underlying district.

### D. **Accessory uses**

Accessory uses shall be as permitted in the underlying district.

### E. **Bulk Requirements**

#### 1. Density

The following density requirements shall apply to properties which are subdivided using the density exchange option or the cluster exchange option, in lieu of the density requirements of the underlying zoning district:

a. Sending parcels

(1) Density Exchange Option

If the density exchange option is used, density may be exchanged from a sending parcel at a maximum rate of one development right per three gross acres.

(2) Cluster Exchange Option

If the cluster exchange option is used, density may be exchanged from a sending parcel at a maximum rate of one development right per 4.25 gross acres.

(3) Dwelling on Sending Parcel

One development right must be retained on the sending parcel, to allow for the construction or continued existence of one principal dwelling unit, unless the Department of Planning and Zoning approves an alternate means of ensuring long term property management. The dwelling unit retained on the sending parcel shall be calculated at the rate of one development right per 4.25 gross acres.

b. Receiving parcels

(1) Base Density

Under both the density exchange option and the cluster exchange option, the base density of a receiving parcel shall be one dwelling unit per 4.25 gross acres. A receiving parcel may be developed at a higher density provided that one development right is acquired from a sending parcel for each additional dwelling unit beyond the base density. In receiving parcel subdivisions that include a preserved area, no additional dwelling unit shall be allowed for creation of a preservation parcel of at least 25 acres (see Sections 104.F.1 and 105.F.1).

(2) Achieved Density

A receiving parcel shall be developed at a density greater than one dwelling unit per 4.25 gross acres, but not exceeding one dwelling unit per two net acres. The actual density achieved shall be limited by the requirements of the Subdivision and Land Development Regulations.

c. Density for Residual Land of Minor Subdivision.

If a minor subdivision (three or fewer lots plus the residual land) is recorded after September 18, 1992 and a preservation parcel easement agreement is not recorded (as allowed by section 104.F.1.h), the residual land may be:

(1) A sending parcel. When calculating the number of development rights which may be sent from the residual land, 4.25 acres shall be subtracted from the acreage of the parcel which existed prior to subdivision for each cluster lot in the minor subdivision.

(2) A receiving parcel. When calculating the number of development rights which may be received, the lots created in the minor subdivision shall be included in the acreage and density calculations for receiving parcels at 1 development right per 2 net acres.

2. Lot Size

The minimum and maximum lot size requirements for cluster subdivisions in the underlying district shall apply to the subdivision of receiving parcels.

3. Other Bulk Requirements

All other bulk requirements shall be as required for the underlying district.

**F. Requirements for Use of the Density Exchange Option or Cluster Exchange Option**

1. Density Exchange

The exchange of density within the DEO Overlay District shall take place as a private exchange between property owners, subject to approval of sending and receiving parcels by the Department of Planning and Zoning in accordance with the procedures set forth below.

2. Application for Receiving Parcel

An application for use of the density exchange option or the cluster exchange option on a receiving parcel shall be made to the Department of Planning and Zoning and shall include the following:

- a. If a receiving parcel is in the RC district and the density exchange option is used, the size of all lots adjacent to the receiving parcel; and
- b. An initial calculation of the proposed density and the number of development rights to be obtained from a sending parcel.

3. Approval of Receiving Subdivision

The Department of Planning and Zoning shall tentatively approve the use of the density exchange option or the cluster exchange option on the receiving parcel, and allow the applicant to proceed with the subdivision process, if:

- a. The receiving parcel meets the criteria given in Section 106.B; and
- b. The Preliminary Equivalent Sketch Plan includes a justification for the proposed design that explains how it accomplishes the following objectives:
  - (1) Locate and arrange cluster lots and subdivision roads to create consolidated preservation parcels appropriately shaped for one or more of the permitted uses. Generally, most of the preserved area shall be within preservation parcels designed to be suitable for agricultural use, protection of environmental features, and/or provision of a buffer between cluster lots and adjacent non-cluster lots, a scenic road, a historic site or farmland.
  - (2) Avoid fragmentation of the preserved area into small, irregularly shaped preservation parcels.
  - (3) Locate preservation parcels to be contiguous with adjacent preserved land, if any. Preserved land includes State or County parkland, land subject to a permanent preservation easement held by a governmental agency or land trust, and land held for protection of a water supply reservoir.
  - (4) Minimize potential adverse impacts on existing farm operations.
  - (5) Provide frontage and public street access for preservation parcels that may be suitable for agricultural and agribusiness uses in a manner that minimizes conflicts with cluster lots.
  - (6) Avoid removal of existing tree stands or hedge rows, particularly along public street rights of way and between housing and farmland; and

- (7) Preserve the rural and scenic quality of the landscape, particularly as viewed from public roads.

4. Phasing of Receiving Parcel Subdivisions

Receiving parcel subdivisions may be recorded in sections. A final subdivision plan shall not be approved for the receiving parcel until one or more sending parcels are approved which provide the necessary number of additional development rights for the lots shown on the final subdivision plan.

5. Application for Sending Parcel

An application for approval of the sending parcel may be made at any time after approval of the Preliminary Equivalent Sketch Plan for the receiving parcel subdivision and shall include the following:

- a. A boundary survey of the sending parcel or the preservation parcel easement area if it does not cover the entire parcel;
- b. Documentation that the sending parcel complies with the criteria given in Section 106.B.1; and
- c. A calculation of the maximum number of development rights which may be removed from the sending parcel.

6. Phasing of Sending Parcels

Sending parcels may exchange density with receiving parcels on a phased basis, but must comply with the following:

- a. The initial phase must record a preservation parcel easement, consisting of both a plat and a deed of preservation easement, that encumbers at least the minimum number of acres required by Section 106.B.1, must be recorded at the same time as a plat for the receiving parcel, and must involve the transfer of at least one development right.
- b. A revised plat of easement must be recorded for each succeeding phase to track the number of development rights exchanged and the location of receiving subdivisions until all development rights have been exhausted.

7. Combination of Sending Parcel and Cluster Subdivision.

Sending parcels may both send some development rights and cluster the remaining rights on a portion of the property. In such instances, the exchange of development rights must occur prior to recordation of the sending parcel cluster subdivision. The intent to use the exchange option must be declared prior to approval of the preliminary cluster subdivision plan for the sending parcel. The sending plat of easement must comply with Section 106.B and be recorded prior to recordation of the cluster subdivision plat for the property.

8. Sending and Receiving on the same Parcel Prohibited

If a portion of a parcel is a sending parcel, the remainder of the parcel shall not be used as a receiving parcel.

9. Recordation of Sending and Receiving Parcels

Following approval of the preliminary subdivision plan(s) for the receiving parcels, the following documents shall be recorded at one time in the Land Records of Howard County:

- a. A final plat of easement for each sending parcel, designating the property as a sending parcel and indicating the number of development rights that have been removed from the parcel, the location of the receiving parcel(s) and whether one development right has been retained for a single principal dwelling unit as provided for in Section 106.E.1.a.(3). If a sending parcel consists of two or more contiguous parcels less than the minimum size required under Section 106.B.1, a final subdivision plat to combine the parcels is required.
- b. A deed of easement for each sending parcel. The deed of easement shall comply with the requirements of the underlying district for preservation parcel easement agreements, as given in Section 104.F.4 or 105.F.4.
- c. Final plat for the receiving parcel. The following types of final plats shall be permitted for receiving parcels:
  - (1) Final subdivision plats dividing the receiving parcel into cluster lots.
  - (2) The final plat for a portion of a receiving parcel may consist of bulk parcels which cannot be further subdivided until the necessary development rights are received from additional sending parcels. Additional final plats dividing these bulk parcels may be recorded in accordance with Sections 106.F.4 through 106.F.6.
  - (3) A density receiving plat that records the number of development rights received from sending parcels but does not subdivide the parcel into cluster lots.
    - (a) Density recorded on a density receiving parcel may be used only on that receiving parcel. Final plats dividing the land into the number of lots allowed by the density receiving plat shall be recorded in accordance with these regulations and the Subdivision and Land Development Regulations.
    - (b) Density recorded on a density receiving parcel may only be sent elsewhere in the future if the Department of Planning and Zoning determines, based on a detailed justification by the developer, that there is a unique hardship created by an unforeseen impediment to Health Department approval of well or septic design or another health or safety problem that cannot reasonably be corrected. In such a case the Department of Planning may approve:
      - (i) Recording density sending and receiving plats to return all of the sent density to the sending parcel; or
      - (ii) Sending all of the received density either to another DEO or another CEO receiving parcel, consistent with how the density was received.
- d. A deed of preservation easement for the preservation parcel in receiving subdivisions under subsections F.9.c. (1) and (2) of this subsection.

## **SECTION 107: R-ED (Residential: Environmental Development) District**

### **A. Purpose**

The R-ED District is established to accommodate residential development at a density of two dwelling units per net acre in areas with a high proportion of sensitive environmental and/or historic resources. Protection of environmental and historic resources is to be achieved by minimizing the amount of site disturbance and directing development to the most appropriate areas of a site, away from sensitive resources. To accomplish this, the regulations allow site planning flexibility and require that development proposals be evaluated in terms of their effectiveness in minimizing alteration of existing topography, vegetation and the landscape setting for historic structures.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within condominium developments or within communities with recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Convents and monasteries used for residential purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-ED district. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.



2. Accessory apartments, provided that:
  - a. The area of the lot is at least 12,000 square feet;
  - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
  - c. The accessory apartment shall have no more than two bedrooms.
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.C.1.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
9. Farm stand, subject to the requirements of Section 128.J.1.
10. Snowball stands, subject to the requirements of Section 128.D.5.

11. Home-based contractors on lots larger than one acre, subject to the requirements of Section 128.C.2.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations, and 128.G., Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure .....34 feet  
However, the maximum height for single-family attached  
Dwellings with gable, hip or gambrel roofs shall be.....40 feet
    - (2) Accessory structure .....15 feet
  - b. Lot coverage for structures within single-family attached projects  
developed with one dwelling unit per lot ..... 60 percent
  - c. Density ..... 2 dwelling units per net acre
  - d. Maximum units per structure - single-family attached.....8 units per structure
2. Minimum lot size requirements
  - a. Single-family detached dwellings .....6,000 sq. ft.
  - b. Except zero lot line dwellings .....4,000 sq. ft.
  - c. Single-family semi-detached dwellings .....4,000 sq. ft.
3. Minimum lot width at building restriction line
  - a. Single-family detached dwellings .....50 feet
  - b. Except zero lot line dwellings .....40 feet
  - c. Single-family semi-detached dwellings .....40 feet
4. Minimum setback requirements
  - a. From external public street right-of-way - all structures and uses .....75 feet
  - b. From internal street right-of-way
    - (1) Structures
      - (a) Front or side .....20 feet
      - (b) Rear
        - (i) Accessory structures on single-family  
detached lots.....10 feet
        - (ii) Other.....20 feet

- (c) Uses (other than structures), excluding uses in single-family detached development projects and parking for single-family attached dwellings .....20 feet
  - c. From project boundaries –
    - (1) Structures and uses in single-family attached development projects .....50 feet  
except adjoining single family detached developments .....75 feet
    - (2) Structures in single-family detached developments .....30 feet
    - (3) Other structures and uses.....50 feet
  - d. From lot lines - structures and uses in all development projects except single-family attached:
    - (1) Principal structures
      - (a) Front .....20 feet
      - (b) Side.....7.5 feet  
Except zero lot line dwellings .....0 feet  
A minimum of 15 feet must be provided between structures
      - (c) Rear .....25 feet
    - (2) Detached accessory garages or sheds
      - (a) Front .....20 feet
      - (b) Side.....0 feet
      - (c) Rear .....0 feet
    - (2) Other accessory structures
      - (a) Front .....20 feet
      - (b) Side.....7.5 feet
      - (c) Rear .....5 feet
    - (4) Uses (other than structures) in all development projects except single-family detached or attached.....20 feet
- 5. Minimum distances between single-family attached buildings, or between single-family attached buildings and single-family detached dwellings:
  - a. Face to face .....30 feet
  - b. Face to side/Rear to side.....30 feet
  - c. Side to side .....15 feet
  - d. Rear to rear .....60 feet
  - e. Rear to face.....100 feet

**E. Approval of the Preliminary Equivalent Sketch Plan by the Planning Board**

- 1. For developments in the R-ED District requiring a Sketch Plan, a preliminary equivalent sketch plan must be approved by the Planning Board.

2. The Planning Board, before acting upon the preliminary equivalent sketch plan, shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
3. A preliminary equivalent sketch plan submitted for review shall include all of the information required by the Subdivision and Land Development Regulations of the Howard County Code as well as the following information:
  - a. The existing environmental and historic resources of the site, including: streams, wetlands and their buffers; extent and quality of existing vegetation, especially tree cover, steep slopes; historic structures and their landscape setting; and the scenic qualities of the site.
  - b. The location of proposed improvements in relation to the resources cited above.
  - c. The location and amount of sensitive areas which will be disturbed by structures, paved surfaces, and infrastructure, if any, and plans for minimizing such disturbances.
  - d. The location and amount of grading and clearing.
  - e. Plans for minimizing site disturbance and preserving the existing topography, vegetation and landscape character.
  - f. Documentation indicating how the proposed development will comply with the requirements of the Howard County Forest Conservation Program.
  - g. The proposed construction practices and post-construction site maintenance strategies to minimize development impacts on forest and other resources.
  - h. Proposed open space, easements, and other forms of permanent protection for sensitive areas, forest conservation areas, or other on-site resources such as historic structures and settings.
4. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the preliminary equivalent sketch plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria given in Subsection E.6 below.
5. The Planning Board may, at the time of approval of the preliminary equivalent sketch plan, require the subsequent approval by the Board of a site development plan for all or a portion of the development.
6. The following criteria shall be used in evaluating preliminary equivalent sketch plans:
  - a. The proposed lay-out of lots and open space effectively protects environmental and historic resources.
  - b. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.
  - c. Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.

**F. Approval of the Site Development Plan by the Planning Board**

1. Planning Board approval of a Site Development Plan is required if:
  - a. A sketch plan is not required for the development; or
  - b. The Board has reserved for itself the authority to approve the site development plan; or
  - c. The site development plan is for the development of buildings on an open space lot; or
  - d. The proposed development differs from the approved preliminary equivalent sketch plan in one of the following ways:
    - (1) The limits of clearing and grading are such that the development will impact a significantly larger area of the site than indicated on the sketch plan.
    - (2) The development will have a greater adverse impact on environmentally sensitive areas than indicated on the sketch plan.
2. The Planning Board may approve, approve with modifications and/or conditions attached, or disapprove the site development plan, stating the reasons for its action. The Planning Board's decision shall be based upon the criteria listed in Section 107.E.6 above.
3. Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations require Planning Board approval.

Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the structure, not to exceed 1,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering.)
- c. Clearing or grading that does not exceed 2,000 square feet in area.
- d. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
- e. Similar minor modifications as determined by the Department of Planning and Zoning.

**G. Other Provisions**

1. Development Under R-20 Regulations
  - a. Land in the R-ED District may be developed pursuant to the R-20 District regulations in their entirety, if the property to be developed is either:
    - (1) A lot or group of contiguous lots with a combined total lot area of less than 100,000 square feet; or

- (2) A lot of any size which has not been subdivided since October 18, 1993 and which is improved or proposed to be improved by a single-family detached dwelling.
  - b. Land developed pursuant to this Section is not subject to the R-ED district regulations, including the requirement for Planning Board review.
2. A zero lot line dwelling unit, detached garage or shed may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling, garage or shed which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.
3. Conservation Easements
  - a. Conservation easements used to protect environmentally sensitive land in the R-ED district shall be approved by the Department of Planning and Zoning and shall be recorded at the time of recordation of the final plat. Easements shall run with the land, shall be in full force and effect in perpetuity, and shall describe and identify the following:
    - (1) Location, size, and existing improvements on the parcel covered by the easement.
    - (2) A prohibition on future use or development of the parcel for uses incompatible with the conservation easement.
    - (3) A prohibition on future subdivision of the parcel.
    - (4) Provisions for maintenance of the parcel.
    - (5) Responsibility for enforcement of the easement agreement.
    - (6) Provisions for succession in the event that one of the parties to an easement agreement ceases to exist.
  - b. At least one of the following entities shall be parties to the easement in addition to the property owner:
    - (1) Howard County government;
    - (2) Maryland Environmental Trust or Maryland Historical Trust;
    - (3) A land conservation organization.

## H. **Conditional Uses**

The following are conditional uses in the R-ED district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Athletic Facilities, Outdoor
3. Bed and Breakfast Inns
4. Cemeteries and Mausoleums
5. Charitable and Philanthropic Institutions
6. Communication Towers or Antennas (Commercial)
7. Country Clubs and Golf Courses
8. Country Inns
9. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities

10. Funeral Homes and Mortuaries
11. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
12. Home Occupations
13. Nonprofit Clubs, Lodges, Community Halls and Camps
14. Nursing Homes and Residential Care Facilities
15. Religious Activities, Structures Used Primarily for
16. Retreat Center
17. Schools, Colleges, Universities - Private (Academic)
18. Two-family dwellings and accessory apartments
19. Utility Uses, Public

## **SECTION 108: R-20 (Residential: Single) District**

### **A. Purpose**

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
3. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
4. Convents and monasteries used for residential purposes.
5. Government structures, facilities and uses, including public schools and colleges.
6. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.D.3.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
10. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
11. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-20 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Accessory apartments, provided that:
  - a. The area of the lot is at least 12,000 square feet;
  - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,



- c. The accessory apartment shall have no more than two bedrooms.
- 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
- 4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- 5. Home occupations, subject to the requirements of Section 128.C.1.
- 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- 7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
- 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 9. Farm stand, subject to the requirements of Section 128.J.1.
- 10. Snowball stands, subject to the requirements of Section 128.D.5.
- 11. Home based contractors on lots larger than one acre, subject to the requirements of Section 128.C.2.

**D. Bulk Regulations**  
(Also see Section 128.A, Supplementary Bulk Regulations.)

1. The following maximum height limitations shall apply:
  - a. Principal structure .....34 feet
  - b. Accessory structure .....15 feet
2. Minimum lot size (except as provided in Section 108.E of these regulations for mandatory open space).....20,000 sq. ft.
3. Minimum lot width at building restriction line .....60 feet
4. Minimum setback requirements
  - a. From arterial or collector public street right-of-way
    - (1) Structures
      - (a) Front or side
        - (i) Lots recorded after October 18, 1993 that do not have frontage on a public street constructed before that date, or an extension of such a street .....40 feet
        - (ii) All other lots.....50 feet
      - (b) Rear
        - (i) Principal structure .....50 feet
        - (ii) Accessory structure .....10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached .....20 feet
  - b. From other public street right-of-way
    - (1) Structures
      - (a) Front or side
        - (i) Lots recorded after October 18, 1993, that do not have frontage on a public street constructed before that date, or an extension of such a street .....30 feet
        - (ii) All other lots.....50 feet
      - (b) Rear
        - (i) Principal structure .....30 feet
        - (ii) Accessory structure .....10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached .....20 feet

- c. From lot lines
  - (1) Structures
    - (a) Front .....40 feet  
except units facing each other across a use-in-common  
driveway .....20 feet
    - (b) Side.....10 feet
    - (c) Rear
      - (i) Principal structure .....30 feet
      - (ii) Accessory structure .....10 feet
  - (2) Uses (other than structures) in all development projects except  
single-family detached .....20 feet

**E. Open Space and Lot Size**

Open space percentage and lot size shall be calculated pursuant to the Howard County Subdivision and Land Development Regulations. In accordance with those regulations, developments that are eligible and elect to use the option for a smaller minimum lot size shall provide the required higher percentage of open space.

**F. Conditional Uses**

The following are conditional uses in the R-20 district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Athletic Facilities, Outdoor
3. Beauty Parlor/Barber Shop
4. Bed and Breakfast Inns
5. Cemeteries and Mausoleums
6. Charitable and Philanthropic Institutions
7. Communication Towers or Antennas (Commercial)
8. Country Clubs and Golf Courses
9. Country Inns
10. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
11. Farm Tenant House
12. Funeral Homes and Mortuaries
13. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
14. Home Occupations
15. Kennels and Pet Grooming Establishments
16. Nonprofit Clubs, Lodges, Community Halls and Camps
17. Nursing Homes and Residential Care Facilities
18. Religious Activities, Structures Used Primarily for
19. Retreat Center
20. School Buses (Parking and Storage)

- 21. Schools, Colleges, Universities - Private (Academic)
- 22. Two-Family Dwellings and Accessory Apartments
- 23. Utility Uses, Public



## **SECTION 109: R-12 (Residential: Single) District**

### **A. Purpose**

The R-12 District is established to provide single-family detached and semi-detached residential uses. The district provides a choice of housing types typically on lots less than a half acre.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family semi-detached dwellings.
4. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-12 district. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Accessory apartments, provided that:
  - a. The area of the lot is at least 12,000 square feet;

- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
  - c. The accessory apartment shall have no more than two bedrooms.
- 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
- 4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- 5. Home occupations, subject to the requirements of Section 128.C.1.
- 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- 7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
- 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 9. Farm stand, subject to the requirements of Section 128.J.1.
- 10. Snowball stands, subject to the requirements of Section 128.D.5.
- 11. Home-based contractors on lots larger than one acre, subject to the requirements of Section 128.C.2.

D. **Bulk Regulations**  
(Also see Section 128.A Supplementary Bulk Regulations.)

1. The following maximum height limitations shall apply:
  - a. Principal structure .....34 feet
  - b. Accessory structure .....15 feet
2. Minimum lot size (except as provided in Section 109.E of these regulations for mandatory open space).....12,000 sq. ft.
3. Minimum lot width at building restriction line .....60 feet
4. Minimum setback requirements
  - a. From arterial or collector public street right-of-way
    - (1) All structures
      - (a) Front or side .....30 feet
      - (b) Rear
        - (i) Principal structure .....50 feet
        - (ii) Accessory Structure .....10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached or semi-detached .....20 feet
  - b. From other public street right-of-way
    - (1) All structures
      - (a) Front or side .....20 feet
      - (b) Rear
        - (i) Principal structure .....30 feet
        - (ii) Accessory structure .....10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached or semi-detached .....20 feet
  - c. From lot lines
    - (1) Principal structures
      - (a) Front .....30 feet  
except units facing each other across a use-in-common driveway .....20 feet
      - (b) Side.....7.5 feet  
Except:
        - (i) Zero lot line dwellings .....0 feet  
At least 15 feet must be maintained between structures;
        - (ii) Single-family semi-detached dwelling .....15 feet one side
      - (c) Rear .....30 feet



- (2) Accessory structures
  - (a) Front ..... 10 feet
  - (b) Side..... 7.5 feet
  - (c) Rear ..... 10 feet
- (3) Uses (other than structures) in all development projects except  
single-family detached ..... 20 feet

**E. Open Space and Lot Size**

Open space percentage and lot size shall be calculated pursuant to the Howard County Subdivision and Land Development Regulations. In accordance with those regulations, developments that are eligible and elect to use the option for a smaller minimum lot size shall provide the required higher percentage of open space.

**F. Other Provisions**

A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

**G. Conditional Uses**

The following are conditional uses in the R-12 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Athletic Facilities, Outdoor
3. Bed and Breakfast Inns
4. Cemeteries and Mausoleums
5. Charitable and Philanthropic Institutions
6. Communication Towers or Antennas (Commercial)
7. Country Clubs and Golf Courses
8. Country Inns
9. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
10. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
11. Home Occupations
12. Non-Profit Clubs, Lodges, Community Halls And Camps
13. Nursing Homes and Residential Care Facilities
14. Religious Activities, Structures Used Primarily for
15. School Buses (Parking and Storage)
16. Schools, Colleges, Universities - Private (Academic)
17. Two-Family Dwellings and Accessory Apartments
18. Utility Uses, Public

## **SECTION 110: R-SC (Residential: Single Cluster) District**

### **A. Purpose**

The R-SC District is established to provide the opportunity for clustering of single family detached and attached dwellings to promote sensitive use for the land as well as to provide compatibility with other residential districts.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-SC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Accessory apartments, provided that:
  - a. The area of the lot is at least 12,000 square feet;

- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
  - c. The accessory apartment shall have no more than two bedrooms.
- 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
- 4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- 5. Home occupations, subject to the requirements of Section 128.C.1.
- 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- 7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
- 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 9. Farm stand, subject to the requirements of Section 128.J.1.
- 10. Snowball stands, subject to the requirements of Section 128.D.5.
- 11. Home-based contractors on lots larger than one acre, subject to the requirements of Section 128.C.2.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations, and 128.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure .....34 feet  
However, the maximum height for single-family attached dwellings with gable, hip or gambrel roofs shall be 40 feet.
    - (2) Accessory structures..... 15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot ..... 60 percent
  - c. Density ..... 4.0 dwelling units per net acre
  - d. Units per structure - single-family attached dwelling units..... 8 units per structure
  - e. Building length - single-family attached ..... 120 feet  
However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 200 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.
2. Minimum lot size - single-family detached dwellings .....6,000 sq. ft.
3. Minimum lot width at building restriction line single-family detached dwellings .....60 feet
4. Minimum setback requirements
  - a. From arterial or collector public street right-of-way
    - (1) Structures
      - (a) Front or side .....30 feet
      - (b) Rear
        - (i) Accessory structures on single-family detached lot ..... 10 feet
        - (ii) Other.....50 feet
    - (2) Uses (other than structures) in all development projects except single-family detached .....30 feet
  - b. From other public street right-of-way
    - (1) Structures
      - (a) Front or side .....20 feet
      - (b) Rear
        - (i) Accessory structures on single-family detached lot..... 10 feet
        - (ii) Other.....40 feet
    - (2) Uses (other than structures) excluding uses in single-family detached development projects and parking for single-family attached dwellings .....20 feet

- c. From vicinal properties - for all structures and uses in single-family attached development projects
    - (1) From an RC, RR, R-ED, R-20, or R-12 District or a single-family detached area of a PGCC, NT or MXD District
      - (a) Dwellings .....75 feet
      - (b) Other structures and uses.....50 feet
    - (2) From any other zoning district or, if land adjacent to project is zoned R-SC, from the project boundary
      - (a) Dwellings .....50 feet
      - (b) Other structures and uses.....20 feet
    - (3) If another residential zoning district is separated from the R-SC district by a public street, only the setbacks from the public street right-of-way apply.
  - d. From lot lines
    - (1) Structures in all development projects except single-family attached
      - (a) Front .....20 feet
      - (b) Side
        - (i) Development other than zero lot line .....7.5 feet
        - (ii) Zero lot line development .....0 feet
        - A minimum of 15 feet must be provided between residential structures
      - (c) Rear
        - (i) Principal structure .....30 feet
        - (ii) Accessory structure .....10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached or attached .....20 feet
5. Minimum distances between single-family attached buildings, or between single-family attached buildings and single-family detached dwellings:
- a. Face to face.....30 feet
  - b. Face to side/Rear to side.....30 feet
  - c. Side to side .....15 feet
  - d. Rear to rear .....60 feet
  - e. Rear to face.....100 feet

#### E. Other Provisions

- 1. On a lot or group of contiguous lots in the R-SC District with a combined total lot area of less than 100,000 square feet, uses permitted in the R-12 district may be developed pursuant to the bulk regulations and other provisions of the R-12 District.

2. A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

**F. Conditional Uses**

The following are conditional uses in the R-SC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Accessory Apartments
2. Age-Restricted Adult Housing
3. Athletic Facilities, Outdoor
4. Bed and Breakfast Inns
5. Cemeteries and Mausoleums
6. Communication Towers or Antennas (Commercial)
7. Country Clubs and Golf Courses
8. Country Inns
9. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
10. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
11. Home Occupations
12. Non-Profit Clubs, Lodges, Community Halls and Camps
13. Nursing Homes and Residential Care Facilities
14. Religious Activities, Structures Used Primarily for
15. Schools, Colleges, Universities - Private (Academic)
16. Utility Uses, Public



## **SECTION 111: R-SA-8 (Residential: Single Attached) District**

### **A. Purpose**

The R-SA-8 District is established to provide clustered attached dwelling units. It is the intent of this district that the attached dwellings be compatible with adjacent residential zones.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Apartment units.
5. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
6. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
7. Convents and monasteries used for residential purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
11. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
12. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
13. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
14. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-SA-8 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Accessory apartments, provided that:
  - a. The area of the lot is at least 12,000 square feet;



- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
  - c. The accessory apartment shall have no more than two bedrooms.
- 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
- 4. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- 5. Home occupations, subject to the requirements of Section 128.C.1.
- 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- 7. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
- 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 9. Snowball stands, subject to the requirements of Section 128.D.5.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations, and 128.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure .....40 feet
    - (2) Accessory structures.....15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot ..... 60 percent
  - c. Density ..... 8.0 dwelling units per net acre
  - d. Maximum units per structure –
    - (1) Single-family attached dwelling units ..... 8 units per structure
    - (2) Except back to back attached dwelling units..... 16 units per structure
  - e. Building length - single-family attached or apartments .....120 feet
 

However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.
2. Minimum lot size - single-family detached dwellings .....6,000 sq. ft.
3. Minimum lot width at building restriction line single-family detached dwellings .....60 feet
4. Minimum setback requirements
  - a. From arterial or collector public street right-of-way
    - (1) Structures
      - (a) Front or side .....30 feet
      - (b) Rear .....50 feet
    - (2) Uses (other than structures) in all development projects except single-family detached .....30 feet
  - b. From other public street right-of-way
    - (1) Structures
      - (a) Front or side .....20 feet
      - (b) Rear .....40 feet
    - (2) Uses (other than structures) excluding uses in single-family detached development projects and parking for single-family attached dwellings .....20 feet
  - c. From vicinal properties - for all structures and uses in single-family attached or apartment development projects

- (1) From an RC, RR, R-20 or R-12 District
      - (a) Single-family attached and apartment dwellings .....100 feet
      - (b) Other structures or uses .....50 feet
    - (2) From an R-ED or R-SC District or a single-family land use area of a NT, PGCC or MXD District
      - (a) Single-family attached dwellings .....75 feet
      - (b) Apartment dwellings .....100 feet
      - (c) Other structures or uses .....50 feet
    - (3) From any other zoning district or, if land adjacent to project is zoned R-SA-8, from the project boundary
      - (a) Single-family attached or apartment dwellings .....50 feet
      - (b) Other structures or uses .....20 feet
    - (4) If another residential zoning district is separated from the R-SA-8 district by a public street, only the setbacks from the public street right-of-way apply.
  - d. From lot lines
    - (1) Structures in all development projects except single-family attached or apartment
      - (a) Front .....20 feet
      - (b) Side
        - (i) Development other than zero lot line .....7.5 feet
        - (ii) Zero lot line development .....0 feet
        - A minimum of 15 feet must be provided between residential structures.
      - (c) Rear
        - (i) Principal structures .....30 feet
        - (ii) Accessory structures .....10 feet
    - (2) Uses (other than structures) in all development projects except single-family detached, attached or apartment .....20 feet
- 5. Minimum distances between multi-family buildings, or between single-family attached buildings and single-family detached dwellings:
  - a. Face to face .....30 feet
  - b. Face to side/Rear to side .....30 feet
  - c. Side to side .....15 feet
  - d. Rear to rear .....60 feet
  - e. Rear to face .....100 feet

6. Minimum distances between apartment buildings and single-family detached dwellings:
  - a. Face to face.....30 feet
  - b. Face to side/rear to side .....30 feet
  - c. Side to side .....30 feet
  - d. Rear to rear .....60 feet
  - e. Rear to face.....100 feet

**E. Other Provisions**

**1. Zero Lot Line Dwellings**

A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.

**2. Moderate Income Housing Units**

At least 10 percent of the dwellings in each R-SA-8 development shall be moderate income housing units.

**F. Conditional Uses**

The following are conditional uses in the R-SA-8 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Athletic Facilities, Outdoor
3. Bed and Breakfast Inns
4. Cemeteries and Mausoleums
5. Communication Towers or Antennas (Commercial)
6. Country Clubs and Golf Courses
7. Country Inns
8. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
9. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
10. Home Occupations
11. Non-Profit Clubs, Lodges, Community Halls and Camps
12. Nursing Homes and Residential Care Facilities
13. Religious Activities, Structures Used Primarily for
14. Schools, Colleges, Universities - Private (Academic)
15. Utility Uses, Public



## **SECTION 112: R-A-15 (Residential: Apartments) District**

### **A. Purpose**

The R-A-15 District is established to provide the opportunity for high density apartments and single-family attached dwelling units.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. Single-family attached dwelling units.
3. Apartment units.
4. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.D.3.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
3. The housing by a resident family of
  - a. Not more than four non-transient roomers or boarders; or

- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- 4. Home occupations, subject to the requirements of Section 128.C.1.
- 5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons, or persons 62 years of age or older, as allowed by Subsection 3.b above, the total number of persons receiving home care at one time plus the number of persons being housed shall not exceed eight.
- 6. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
- 7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.
- 8. Snowball stands, subject to the requirements of Section 128.D.5.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations, and 128.G, Alternative Regulations for Traditional Residential Neighborhoods.)

- 1. For all uses, the following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure .....55 feet
    - (2) Accessory structures.....15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot ..... 60 percent
  - c. Density ..... 15 dwelling units per net acre
  - d. Maximum units per structure
    - Single-family attached dwelling units .....8 units per structure
    - Except back to back attached dwelling units..... 16 units per structure

- e. Building length - single-family attached or apartment.....120 feet
 

However, the Director of the Department of Planning and Zoning may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.
- 2. Minimum lot size - single-family detached dwellings ..... 6,000 square feet
- 3. Minimum lot width at the building restriction line - single-family detached dwellings .....60 feet
- 4. Minimum setback requirements
  - a. From arterial or collector public street right-of-way
    - (1) Structures
      - (a) Front or side .....30 feet
      - (b) Rear .....50 feet
    - (2) Uses (other than structures) in all development projects except single-family detached .....30 feet
  - b. From any other public street right-of-way
    - (1) Structures
      - (a) Front or side .....20 feet
      - (b) Rear .....40 feet
    - (2) Uses (other than structures), excluding uses in single-family detached development projects and parking for single-family attached dwellings .....20 feet
  - c. From vicinal properties - in all development projects except single-family detached
    - (1) From an RC, RR, R-20 or R-12 district
      - (a) Single-family attached or apartment dwellings.....100 feet
      - (b) Other structures or uses .....50 feet
    - (2) From an R-ED or R-SC District or a single-family land use area of a NT, PGCC or MXD District
      - (a) Single-family attached dwellings .....75 feet
      - (b) Apartment dwellings .....100 feet
      - (c) Other structures or uses .....50 feet
    - (3) From any other zoning district or, if land adjacent to project is zoned R-A-15, from the project boundary
      - (a) Single-family attached or apartment dwellings.....50 feet
      - (b) Other structures or uses .....20 feet



- (4) If another residential zoning district is separated from the R-A-15 district by a public street, only the setbacks from the public street right-of-way apply.
  - d. From lot lines - all structures in single-family detached developments
    - (1) Front .....20 feet
    - (2) Side.....7.5 feet
    - (3) Rear
      - (a) Principal structures.....30 feet
      - (b) Accessory structures.....10 feet
5. Minimum distances between multi-family buildings, or between single-family attached buildings and single-family detached dwellings:
  - a. Face to face.....30 feet
  - b. Face to side/Rear to side.....30 feet
  - c. Side to side .....15 feet
  - d. Rear to rear .....60 feet
  - e. Rear to face.....100 feet
6. Minimum distances between apartment buildings and single-family detached dwellings:
  - a. Face to face.....30 feet
  - b. Face to side/Rear to side.....30 feet
  - c. Side to side .....30 feet
  - d. Rear to rear .....60 feet
  - e. Rear to face.....100 feet

**E. Moderate Income Housing Units**

At least 10 percent of the dwellings in each R-A-15 development shall be moderate income housing units.

**F. Conditional Uses**

The following are conditional uses in the R-A-15 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Age-restricted Adult Housing
2. Athletic Facilities, Outdoor
3. Bed and Breakfast Inns
4. Cemeteries and Mausoleums
5. Communication Towers or Antennas (Commercial)
6. Country Inns
7. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities

8. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
9. Home Occupations
10. Nursing Homes and Residential Care Facilities
11. Religious Activities, Structures Used Primarily for
12. Schools, Colleges, Universities - Private (Academic)
13. Utility Use, Public



## **SECTION 113.1: R-MH (Residential: Mobile Home) District**

### **A. Purpose**

The R-MH District is established to provide the opportunity for moderately priced housing. It is the intent of the district that opportunities for home ownership and rental sites be maintained.

### **B. Uses Permitted as a Matter of Right**

1. Mobile homes within mobile home developments.
2. Single-family detached dwellings.
3. Single-family attached dwellings within R-MH districts of at least 25 acres.
4. Apartment units within R-MH districts of at least 25 acres.
5. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
6. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments or within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Underground pipelines; electric transmission and distribution lines; telephone telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
8. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
9. Volunteer fire departments.
10. Government structures, facilities and uses, including public schools and colleges.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-MH district. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. The housing of not more than four non-transient roomers or boarders by a resident family.
3. Home occupations, subject to the requirements of Section 128.C.1.
4. Home care.
5. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private

off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
6. Management office and maintenance facilities in mobile home parks.
7. Central common laundry facilities in mobile home parks.
8. Convenience establishments of a commercial nature, not including gasoline service stations but including stores, day care centers, coin-operated laundries and dry cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that such establishments and the parking areas primarily related to their operations:
  - a. May occupy up to five percent of the area of the park, but in any case, not more than two and one-half acres,
  - b. Shall be subordinate to the residential use and character of the park,
  - c. Shall be located, designed and intended to serve frequent trade or service needs of the residents of the park and
  - d. Shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
9. Snowball stands, subject to the requirements of Section 128.D.5.
10. Temporary storage of abandoned mobile homes in mobile home parks, provided that:
  - a. This use shall be limited to storage of mobile homes which were occupied and subsequently abandoned by their owners within the mobile home park.
  - b. An abandoned mobile home shall be stored for a period of time not to exceed six months.
  - c. Storage areas shall meet the bulk requirements of Section 113.D.3.b, except that the minimum required distance between mobile homes shall not apply to the distance between abandoned mobile homes.
  - d. Prior to moving an abandoned mobile home from its site to a storage area, a permit shall be obtained from the Department of Planning and Zoning. The permit application shall include a plan showing the storage area and documentation that the park owner has begun the necessary proceedings in accordance with State law to take possession of and remove the mobile home from the premises.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Minimum District Size ..... 10 acres
2. For single-family attached or apartment unit developments, including single-family attached or apartment unit buildings that are part of a development with one or more of the other residential uses permitted in the R-MH District, the bulk regulations in Section 112.D. of the Zoning

Regulations for the R-A-15 District shall apply. For all other permitted uses, the following maximum limitations shall apply:

- a. Height
    - (1) Principal structure .....34 feet
    - (2) Accessory structures.....15 feet
  - b. Lot coverage - by structures in mobile home subdivisions ..... 60 percent
  - c. Density ..... 8 dwelling units per net acre
3. The following minimum requirements shall be observed for mobile home subdivisions:
- a. Area of subdivision ..... 10 acres
  - b. Lot size (ZRA-41/ Bill #20-2003)
    - (1) Subdivisions designed as Traditional Residential Neighborhoods under Section 128.G ..... 2,000 square feet
    - (2) All other mobile home subdivisions..... 4,000 square feet
  - c. Lot width at front building restriction line (ZRA-41/ Bill #20-2003)
    - (1) Subdivisions designed as Traditional Residential Neighborhoods under Section 128.G.....20 feet
    - (2) All other mobile home subdivisions.....45 feet
  - d. Setbacks - structures, including mobile homes but not including multi-family residences:
    - (1) From external public street right-of-way.....50 feet
    - (2) From a different zoning district.....50 feet
    - (3) Front - from internal street right-of-way .....5 feet
    - (4) Side.....10 feet
    - (5) Rear .....10 feet
4. The following minimum requirements shall be observed for mobile home parks:
- a. Area of park..... 10 acres
  - b. Setbacks - structures, including mobile homes but not including multi-family residences:
    - (1) From external public street right-of-way.....50 feet
    - (2) From a different zoning district.....50 feet
    - (3) Between structures .....20 feet
- Except that:
- (a) Extensions or additions which abut and are affixed or attached to a mobile home or single-family detached dwelling, such as steps, decks, open or enclosed porches, or attached carports may be added to a mobile home provided that a distance of at least 10 feet is maintained between the extension or addition and other mobile homes or extensions thereof.

- (b) Detached buildings which are accessory to, and do not abut, nor are affixed nor attached to a mobile home or single-family detached dwelling, such as sheds, storage buildings or garages, may be located any distance from the dwelling on the same site and at least 10 feet from other dwellings or extensions thereof.

(4) Across an internal private drive between structures.....40 feet

2. Other Development

The setback and lot coverage requirements of the R-A-15 district shall apply to:

- a. Apartments and single-family attached dwellings, even if developed as part of a mobile home development.
- b. Other uses on parcels that do not meet the minimum acreage required for a mobile home development.

**B. Noncompliance with Setback Requirements in Existing Mobile Home Parks**

In existing mobile home parks, mobile homes that do not comply with minimum setback requirements (Section 113.D.3.b) may remain in place and may be replaced, subject to the following requirements.

1. Approval of Location Survey

- a. The provisions of this subsection shall apply only to mobile home parks for which a location survey is submitted to the Department of Planning and Zoning within 180 days of October 18, 1993. The location survey shall be prepared by a licensed surveyor or engineer at a scale between 1" = 20' and 1" = 50' and shall show existing mobile homes and additions or extensions to mobile homes within the mobile home park.
- b. Within 30 days of submission, the location survey shall be reviewed by the Department of Planning and Zoning (DPZ) and the Department of Inspections, Licenses and Permits (DILP) for accuracy, completeness and compliance with the approved license for the mobile home park. Upon approval by DPZ and DILP, a reproducible mylar copy of the approved location survey shall be submitted to DPZ by the mobile home park owner.

2. Replacement of Mobile Homes

- a. Structures shown on the approved location survey which do not comply with the minimum setback requirements of this section may remain in place without variances.
- b. A mobile home or an addition or extension to a mobile home may be removed and replaced in accordance with an approved building permit if:
  - (1) The setback distances from external public street rights-of-way, different zoning districts, and other structures either meet the requirements of these regulations or are not decreased to less than the distance shown on the approved location survey; and
  - (2) The mobile home is at least 10 feet from any other mobile home, and at least five feet from an addition or extension to any other mobile home. A proposed addition or extension to the mobile home must be at least five feet from any other mobile home or additions or extensions thereof.

- c. A building permit shall not be issued unless an administrative adjustment or variance is granted in accordance with Section 100.F or 130.B.2 of these regulations for a mobile home or an addition or extension to a mobile home which either:

- (1) Does not comply with minimum setback requirements and is closer to a lot line or other structure than indicated on the approved location survey; or
- (2) Is less than 10 feet from the main body of any other mobile home.

In addition, no building permit shall be issued for any other type of structure which does not comply with minimum setback requirements unless a variance is granted.

**F. Additional Requirements for Single-Family Attached and Apartment Development**

1. Moderate Income Housing Units

Within any development that includes single-family attached and/or apartment dwelling units, at least 15 percent of all single family attached units and at least 20 percent of all apartment units shall be moderate income housing units.

2. If single-family attached dwellings or apartment units are built on land within a mobile home park or subdivision, the mobile home development must meet the minimum 10-acre area requirement of Section 113.D without including the multi-family development area.

**G. Conditional Uses**

The following are conditional uses in the R-MH District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Athletic Facilities, Outdoor
2. Bed and Breakfast Inns
3. Cemeteries and Mausoleums
4. Communication Towers or Antennas (Commercial)
5. Country Inns
6. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls
7. Home Occupations
8. Nursing Homes and Residential Care Facilities
9. Religious Activities, Structures Used Primarily for
10. Schools, Colleges, Universities - Private (Academic)
11. Utility Uses, Public





## SECTION 113.2 R-SI (Residential: Senior - Institutional) District

### A. Purpose

The Residential: Senior - Institutional (R-SI) district is established to permit age-restricted adult housing, as well as community-serving institutional and cultural facilities that serve the surrounding residential community.

### B. Uses Permitted As A Matter Of Right

1. Age-Restricted Adult Housing.
2. Ambulatory health care facilities, including pharmacies incidental to these uses.
3. Athletic fields, tennis clubs, athletic centers, health clubs and commercial or community swimming pools.
4. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Day treatment or care facilities.
7. Government structures, facilities and uses, including public schools and colleges.
8. Museums and libraries.
9. Non-profit clubs, lodges, community halls, and camps.
10. Nursing homes and residential care facilities.
11. Religious activities, structures used primarily for.
12. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
13. Volunteer fire departments.

### C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Retail and service businesses which are located within and primarily serve the residents of a nursing home, residential care facility, or age-restricted adult housing, provided such businesses do not occupy more than two percent of the total floor area of the building or buildings within the development.
4. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

### D. Bulk Regulations

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum Building Height:
  - a. Age-Restricted Adult Apartments .....50 feet  
and no more than four stories tall

- b. All other uses .....40 feet
  - 2. Minimum Structure Or Use Setback:
    - a. All Structure
      - (1) From RC, RR, R-ED, R-20, R-12 and R-SC districts .....75 feet
      - (2) From any other zoning district .....30 feet
      - (3) From public street right-of-way .....30 feet
    - b. Uses (other than structures) in all development projects.....20 feet
    - c. Parking for religious activities .....20 feet
    - d. If residential district is separated from the R-SI district by a public street right-of-way, only the setback from the public street right-of-way shall apply.
  - 3. Minimum distances between buildings for attached and apartment units within an age-restricted adult housing development:
    - a. Face to face.....30 feet
    - b. Face to side/rear to side .....20 feet
    - c. Side to side .....15 feet
    - d. Rear to rear .....50 feet
    - e. Rear to face.....75 feet
  - 4. Density ..... 25 units per net acre

**E. Additional Requirements For Age-Restricted Adult Housing**

**1. Design For Older Adults**

The development must incorporate universal design features from the department of planning and zoning guidelines which identify required, recommended and optional features. Plan submittals must include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

**2. Enforcement of Age Restrictions**

If the development will not be a rental community under single ownership, it must be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals must include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

3. Moderate Income Housing Units

At least 10 percent of the dwellings units shall be moderate income housing units.

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- a. 20 square feet of floor area per dwelling unit for developments of less than 100 dwelling units with a minimum area of 500 square feet, and
- b. 10 square feet of floor area per dwelling unit above 99.

5. Open Space

- a. Open space shall constitute at least 25 percent of the gross acreage used for an age-restricted adult development in the RSI district.
- b. The community shall include recreation and common areas for residents, including at least pathways and seating areas.

**F. Conditional Uses**

The following are conditional uses in the R-SI district, subject to the detailed requirements for conditional uses given in section 131. If there is a conflict between this section and section 131, section 131 shall prevail.

1. Cemeteries and mausoleums
2. Utility uses, public



## **SECTION 113.3 I (Institutional) Overlay District**

### **A. Purpose**

The Institutional District (I) is established to permit community-serving institutional and cultural facilities. These uses benefit the surrounding residential community and can provide a transition between residential neighborhoods and retail activity centers. In order to allow appropriate uses prior to the approval of institutional development, the Institutional District is an Overlay District. Uses allowed in the underlying district may be established prior to approval of development plans for institutional district development.

### **B. General Provisions**

1. An I district must be approved by the Zoning Board prior to the submission and consideration of development plans for institutional district development.
2. The minimum size of any I District shall be 5 contiguous acres. Land which is divided by utility rights-of-way or street rights-of-way shall be considered contiguous for purposes of this section.
3. Any development in an I District must be served by public water and public sewer.
4. Development within the I District shall be consistent with the Subdivision and Land Development Regulations as approved by the Department of Planning and Zoning. Except as allowed in this section, no development shall occur within an I District prior to approval of such development plans.
5. Prior to approval of a development plan(s) by DPZ, use or development of I-zoned land shall be subject to all regulations applicable to the underlying zoning district. After development plans are approved, existing uses which were established pursuant to the underlying zoning district may continue. Such uses shall not be expanded to occupy additional land area, and principal structures related to such uses shall not be constructed or expanded. No new principal use shall be established after development plans are approved except in accordance with the requirements of the I District. (Council Bill 60-2004 (ZRA-54) effective 12/6/04).

### **C. Uses Permitted as a Matter of Right**

1. Athletic fields, tennis clubs, athletic centers, health clubs and commercial or community swimming pools.
2. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
3. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
4. Government structures, facilities and uses, including public schools and colleges.
5. Museums and libraries.
6. Nonprofit clubs, lodges and community halls.
7. Religious activities, structures used primarily for.
8. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
9. Volunteer fire departments.

D. **Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

E. **Bulk Regulations**

(Also See Section 128.A, Supplementary Bulk Regulations.)

1. Maximum building height .....40 feet
2. Minimum structure or use setback:
  - a. From residential districts .....75 feet
  - b. From any other zoning district .....30 feet
  - c. From public street right-of-way .....30 feet
  - d. If a residential district is separated from the I District by a public street right-of-way, only the setback from the public street right-of-way shall apply.

F. **Conditional Uses**

The following are conditional uses in the I district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Cemeteries and mausoleums
2. Utility uses, public

## **SECTION 114: Historic District**

### **A. Requirements and Restrictions Applicable to Historic Districts**

1. Upon the adoption of any amendment to which creates a Historic District, the official Zoning Map of Howard County shall be amended to show the boundaries of said District. The provisions of Title 16, Subtitle 6 of the Howard County Code as amended shall be applicable to said District.
2. The zoning regulations and zoning district boundaries, as amended, shall remain in full force and effect within an Historic District hereafter established.
3. The zoning districts established in Section 100.B of these regulations shall be permitted within the boundary of an Historic District; however, the following zoning districts shall be permitted only within an Historic District.

R-VH -	Residential: Village Housing
HO -	Historic Office
HC -	Historic Commercial

### **B. Findings Necessary to Establish an Historic District**

A petition may be granted if the Zoning Board finds affirmatively that the establishment of an Historic District will:

1. Serve to safeguard the heritage of the County by preserving elements of its cultural, social, economic, political and architectural history;
2. Stabilize and improve property values;
3. Foster civic beauty;
4. Strengthen the local economy; and/or
5. Promote the use and preservation of the area.





## **SECTION 114.1: R-VH (Residential: Village Housing) District**

### **A. Purpose**

The R-VH District is established to permit infill development compatible with the historic lot patterns within an Historic District. The district is intended to encourage the use and redevelopment of residential enclaves consistent with the character of existing development.

### **B. Uses Permitted as a Matter of Right**

1. One single-family detached dwelling unit per lot.
2. Single-family attached dwelling units.
3. Apartment units.
4. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
5. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments or within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
6. Convents and monasteries used for residential purposes.
7. Government structures, facilities and uses, including public schools and colleges.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
9. Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
10. Volunteer fire departments.

### **C. Accessory Uses**

The following are permitted accessory uses in the R-VH District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.
2. The housing by a resident family of:
  - a. Not more than four non-transient roomers or boarders; or
  - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
  - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
3. Home occupations, subject to the requirements of Section 128.C.1.

4. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by subsection 2.b above, the total number of persons receiving home care plus persons being housed shall not exceed eight.
5. Parking:
  - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
  - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
6. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
  - a. One recreational vehicle with a length of 30 feet or less; and
  - b. One boat with a length of 20 feet or less.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure .....34 feet
    - (2) Accessory structures..... 15 feet
    - (3) Except spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, antennas, outdoor athletic structures .....45 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot ..... 60 percent
  - c. Density ..... 8 dwelling units per net acre
2. Minimum lot size single-family detached .....6,000 sq. ft.

**E. Other Provisions**

The minimum off-street parking requirements for specific uses contained in Section 133.D of these Regulations shall not be applicable in the Residential-Village Housing District, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these Regulations shall not in the future be reduced.

**F. Conditional Uses**

The following are conditional uses in the R-VH District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Bed and Breakfast Inns
2. Cemeteries and mausoleums
3. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
4. Home Occupations
5. Nursing Homes and Residential Care Facilities
6. Religious Activities, Structures Used Primarily for
7. Schools, Colleges, Universities - Private (Academic)
8. Utility Uses, Public



## **SECTION 114.2: HO (Historic: Office) District**

### **A. Purpose**

The Historic Office District is established to permit a mix of offices and residences with supporting cultural and commercial uses which will encourage new development and reuse of existing structures consistent with the existing character of the area.

### **B. Uses Permitted as a Matter of Right**

1. Single-family attached dwelling units.
2. Single-family detached dwelling units.
3. Apartment units, only in existing historic structures.
4. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
5. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
7. Conference centers and bed and breakfast inns.
8. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
9. Convents and monasteries used for residential purposes.
10. Funeral homes.
11. Government structures, facilities and uses, including public schools and colleges.
12. Museums and libraries.
13. Nonprofit clubs, lodges and community halls.
14. Offices, professional and business.
15. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
16. Structures used primarily for religious activities.
17. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
18. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
19. Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.
20. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Community meeting houses, commercial establishments for receptions and parties.
3. Antennas accessory to a principal use on the lot.
4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

**D. Bulk Regulations**  
(Also see Section 128.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure .....40 feet
    - (2) Accessory structures.....15 feet
    - (3) Except spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, antennas, outdoor athletic structures .....45 feet
  - b. Floor area ratio .....3 to 1
  - c. Density ..... 15 dwelling units per net acre
  - d. Cornices and eaves may project not more than three feet beyond the face of the structure.
  - e. A bay window, oriel, vestibule or balcony may project not more than four feet beyond the face of the structure.
2. The following minimum requirements shall be observed:
  - a. Lot size for single-family detached .....6,000 sq. ft.
  - b. A lot area of 2,000 square feet per dwelling unit shall be required for new single-family attached structures or for additions or extensions to existing residential structures which result in the creation of additional dwelling units.
  - c. New structures erected shall be required to provide a front yard equal in depth to the front yard of the main part of the nearest structure on the same side of the street.

**E. Other Provisions**

The minimum off-street parking requirements for specific uses contained in Section 133.D of these Regulations shall not be applicable in the Historic Office District, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these Regulations shall not in the future be reduced.

**F. Conditional Uses**

The following are conditional uses in the HO District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Cemeteries and Mausoleums
2. Country Inns
3. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
4. Utility Uses, Public

## **SECTION 114.3: HC (Historic: Commercial) District**

### **A. Purpose**

The Historic Commercial District is established to permit and encourage a diverse but compatible and complementary mix of commercial, office, cultural and residential activities. The district is intended to encourage development of a pedestrian environment consistent with the overall development concept for the Historic District.

### **B. Uses Permitted as a Matter of Right**

1. Single-family attached dwelling units.
2. Apartment units.
3. Antique shops, art galleries, craft shops.
4. Bakeries.
5. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
6. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
7. Building cleaning, painting, roofing, exterminating and similar establishments, provided that all equipment and supplies are enclosed in a building.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
9. Carpet and floor covering stores.
10. Catering establishments and banquet facilities.
11. Clothing and apparel stores with goods for sale or rent.
12. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
13. Convenience stores.
14. Department stores, appliance stores.
15. Drug and cosmetic stores.
16. Food stores.
17. Funeral homes.
18. Furniture stores.
19. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
20. Government structures, facilities and uses, including public schools and colleges.
21. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, provided that all materials and supplies are enclosed in a building.
22. Hotels, motels, country inns and conference centers.
23. Laundry and dry cleaning establishments, except that pickup and delivery services shall not be provided.
24. Liquor stores.
25. Movie theaters, legitimate theaters and dinner theaters.
26. Museums and libraries.
27. Nonprofit clubs, lodges, community halls.
28. Offices, professional and business.
29. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
30. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry and similar items.
31. Restaurants, carryout, including incidental delivery services.



32. Restaurants, fast food.
33. Restaurants, standard, and beverage establishments, including those selling beer, wine and liquor.
34. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
35. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
36. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
37. Specialty stores.
38. Structures used primarily for religious activities.
39. Taxidermy.
40. Underground pipelines; underground electric transmission and distribution lines; underground telephone, telegraph and CATV lines; mobile transformers units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
41. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Antennas accessory to a principal use on the lot.
3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height
    - (1) Principal structure .....40 feet
    - (2) Accessory structures.....15 feet
    - (3) Except spires, belfries, chimneys, flag poles, monuments, observation towers, steeples, antennas, outdoor athletic structures .....45 feet
  - b. Floor area ratio .....3 to 1
  - c. Cornices and eaves may project not more than three feet beyond the face of the structure.
  - d. A bay window, oriel, vestibule or balcony may project not more than four feet beyond the face of the structure.
2. The following minimum requirements shall be observed:
  - a. New structures erected shall be required to provide a front yard equal in depth to the front yard of the main part of the nearest structure on the same side of the street.
  - b. A lot area of 2,000 square feet per dwelling unit shall be required for new residential structures or for additions or extensions to existing structures which result in the creation of additional dwelling units.

- c. Conversion or alteration of existing structures to accommodate dwelling units within the existing structure shall not be subject to lot area requirements.

**E. Other Provisions**

The minimum off-street parking requirements for specific uses contained in Section 133.D of these regulations shall not be applicable in the Historic Commercial District, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these regulations shall not in the future be reduced.

**F. Conditional Uses**

The following are conditional uses in the HC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

1. Cemeteries and Mausoleums
2. Child Day Care Centers and Nursery Schools, Day treatment and Care Facilities
3. Utility Uses, Public



## **SECTION 115: POR (Planned Office Research) District**

### **A. Purpose**

The Planned Office Research District is established to permit and encourage diverse institutional, commercial, office research and cultural facilities.

### **B. Uses Permitted as a Matter of Right**

1. Adult live entertainment establishments, subject to the requirements of Section 128.H. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]
2. Age-restricted adult housing.
3. Ambulatory health care facilities, including pharmacies incidental to these uses.
4. Athletic fields, tennis clubs, athletic centers, health clubs and commercial or community swimming pools.
5. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
6. Bio-medical laboratories.
7. Blueprinting, printing, duplicating or engraving services.
8. Business machine sales, rental and service establishments.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Catering establishments and banquet facilities.
11. Child day care centers and nursery schools.
12. Commercial communication antennas.
13. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2. and 128.E.3.
14. Concert halls.
15. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
16. Convents and monasteries used for residential purposes.
17. Data processing and telecommunication center.
18. Day treatment or care facilities.
19. Executive golf training and recreation centers.
20. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
21. Funeral homes.
22. Government structures, facilities and uses, including public schools and colleges.
23. Hospitals, intermediate care facilities and residential treatment centers.
24. Hotels, motels, conference centers and country inns.
25. Legitimate theaters and dinner theaters.
26. Museums and libraries.
27. Nonprofit clubs, lodges and community halls.
28. Nursing homes and residential care facilities.
29. Offices, professional and business.
30. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.
31. Radio and television broadcasting facilities and studios. Primary broadcasting transmitting antenna shall not be located on site.
32. Religious activities, structures used primarily for.
33. Research and development establishments.

34. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only, provided such uses shall only be located within POR Districts of at least four acres.
35. Retail and personal service uses limited to the following, provided that such uses shall be located within a building used primarily for offices or research and development establishments and shall occupy no more than 25 percent of the floor area of the building:
  - a. Adult book or video stores, subject to the requirements of Section 128.H. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]
  - b. Personal service establishments, such as barber and beauty shops, opticians, photographers and tailors.
  - c. Retail stores, limited to food stores, drug and cosmetic stores, convenience stores and specialty stores.
  - d. Restaurants, carryout, including incidental delivery services.
36. Riding academies and stables.
37. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
38. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
39. Schools, private academic, including colleges and universities.
40. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
41. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
42. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Light manufacturing, assembly, repair, servicing, and/or warehousing of electronic, communications, computer, medical, scientific, optical, photographic or technical instruments, equipment and components. Such uses must be accessory to research and development laboratories and may not exceed 50 percent of the floor area of all buildings located on a lot.
4. Housing for hospital or intermediate care facility employees and domiciliary care facilities related to a hospital use.
5. Retail and service businesses which are located within and primarily serve the residents of a nursing home, residential care facility, or age-restricted adult housing, provided such businesses do not occupy more than two percent of the total floor area of the building or buildings within the development.
6. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, non-commercial recreation facilities.

D. **Bulk Regulations**  
(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum height limitations:
  - a. Structure with minimum setback.....50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum .....80 feet
2. Minimum district size, not to prohibit the sale or lease of lots therein ..... 2 acres
3. Minimum structure or use setback:
  - a. From residential districts .....75 feet  
except age-restricted housing from R-SA-8 or R-A-15.....50 feet
  - b. From any other zoning district .....30 feet
  - c. From public street right-of-way .....30 feet
  - d. If a residential district is separated from the POR district by a public street right-of-way, only the setback from the public street right-of-way shall apply.
4. Minimum distances between buildings for attached and apartment units within an age-restricted adult housing development
  - a. Face to face.....30 feet
  - b. Face to side/Rear to side.....20 feet
  - c. Side to side .....15 feet
  - d. Rear to rear .....50 feet
  - e. Rear to face.....75 feet

E. **Additional Requirements For Age-Restricted Adult Housing**

1. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

2. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals

shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

3. Moderate Income Housing Units

At least 10 percent of the dwelling units shall be moderate income housing units.

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- a. 20 square feet of floor area per dwelling unit for developments of less than 100 dwelling units with a minimum area of 500 square feet, and
- b. 10 square feet of floor area per dwelling unit above 99.

5. Open Space

- a. Open space shall constitute at least 20 percent of the gross acreage used for an age-restricted adult development in the POR district.
- b. The community shall include recreation and common areas for residents, including at least pathways and seating areas.

F. **Conditional Uses**

The following are conditional uses in the POR district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Cemeteries and Mausoleums
2. Communications Towers (Commercial)
3. Historic Building Uses: Apartments
4. Utility Uses, Public

## **SECTION 116: PEC (Planned Employment Center) District**

### **A. Purpose**

The PEC District is established to provide for comprehensively planned employment centers combining research and development, office, light manufacturing and assembly, limited commercial and other enumerated uses. It is intended that this district provide higher standards of development and a more flexible approach to design and development than could be achieved under conventional zoning districts. It is further the purpose of this district to:

1. Provide for orderly development of large-scale, comprehensively planned employment centers;
2. Provide for open areas to act as buffers between incompatible uses and as design elements which will achieve the physical and aesthetic integration of the uses and activities within each development; and
3. Provide a landscaped, campus-like setting for employment in which the various uses relate compatibly with one another according to a comprehensive plan of development for an entire district.

### **B. Uses Permitted as a Matter of Right**

1. Ambulatory health care facilities, including pharmacies incidental to these uses.
2. Athletic fields, tennis clubs, athletic centers, health clubs and commercial or community swimming pools.
3. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions.
4. Biomedical laboratories.
5. Blueprinting, printing, duplicating or engraving services.
6. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
7. Catering establishments and banquet facilities.
8. Child day care centers and nursery schools.
9. Commercial communication antennas.
10. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2. and 128.E.3.
11. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
12. Data processing and telecommunication centers.
13. Day treatment or care facilities.
14. Executive golf training and recreation centers.
15. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
16. Flex space, provided that light manufacturing uses are limited to uses permitted in this district.
17. Golf courses.
18. Government structures, facilities and uses, including public schools and colleges.
19. Hospitals.
20. Hotels, motels, country inns and conference centers.
21. Manufacture, compounding, processing or packaging, and associated storage of pharmaceuticals, biotechnical products and cosmetics.



22. Manufacture, assembly, repair and servicing, and associated storage of electronic, communications, computer, medical, scientific, optical, photographic or technical instruments, equipment and components.
23. Museums, art galleries, and libraries.
24. Printing, lithography, bookbinding or publishing plants.
25. Radio and television broadcasting facilities and studios.
26. Research and development establishments or professional and business offices which may include manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products incidental to the principal use and located on the same lot as the principal use. Manufacturing uses permitted only in the M-2 district are prohibited.
27. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only;
28. Riding academies and stables.
29. Schools, commercial, limited to business schools and trade schools.
30. Schools, private academic, including colleges and universities.
31. Service agencies, such as real estate agencies, insurance and financial services, security services, messenger services, computer services, travel agencies, and mailing services.
32. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
33. Volunteer fire departments.
34. The following commercial uses shall be allowed as a matter of right, provided that the lots on which these uses are located shall not occupy more than four percent of the gross acreage of the development project. In addition, these commercial uses may be located on a lot used primarily for business or professional offices, or for research and development establishments, provided that they occupy no more than 20 percent of the floor area of any building.
  - a. Adult book or video stores, subject to the requirements of Section 128.H. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]
  - b. Business machine sales, rental and service establishments;
  - c. Convenience stores;
  - d. Drug and cosmetic stores;
  - e. Laundry and dry cleaning establishments without delivery services;
  - f. Liquor stores;
  - g. Personal service establishments such as barber and beauty shops, opticians, photographers, tailors;
  - h. Restaurants, carryout, including incidental delivery services;
  - i. Specialty stores
  - j. The retail sale of products manufactured on the site or parts or accessories to products manufactured on the site.

#### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. At least 25 percent of the gross area of the PEC District shall be open space.
2. The following maximum height limitations shall apply:
  - a. Structure with minimum setback from a public street.....80 feet
  - b. Structure with minimum setback from a residential district.....50 feet
  - c. Structure with an additional one foot in height for every 2 feet of setback above the minimum from a residential district.....80 feet
3. The following minimum requirements shall be observed:
  - a. District size..... 50 contiguous acres
    - (1) Development projects of less than 50 acres permitted if contiguous to an existing Planned Employment Center.
    - (2) For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be contiguous, but such items shall not be included in determining the minimum area of the district.
  - b. Setbacks -- structures and uses
    - (1) From residential districts, except for residential districts within a site plan approved under Section 100.G.2 .....75 feet
    - (2) From all other districts, except non-residential districts within the same project.....30 feet
    - (3) From a public street right-of-way.....30 feet  
Except for parking uses ..... 10 feet
    - (4) If a residential district is separated from the PEC district by a public street right-of-way, only the setback from the public street right-of-way shall apply.

**E. Other Provisions**

Golf courses shall be permitted uses on open space land in the PEC District.

**F. Conditional Uses**

The following are conditional uses in the PEC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Communication Towers (Commercial)
2. Gasoline Service Stations
3. Utility Uses, Public



## **SECTION 117.1: BR (Business: Rural) District**

### **A. Purpose**

The BR District is established to allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County.

Appropriate locations for the land uses allowed in the BR District depend on factors, which are best examined through review of a particular site. Therefore, the BR District is a floating zone, which requires the submission of a Preliminary Development Plan for a particular site. It is intended that the BR District be applied at a particular location only if found to be appropriate with respect to road access and compatibility with neighboring land uses.

### **B. Criteria**

The BR District may be established at a particular location if the following criteria are met:

1. The proposed BR District is within the No Planned Service Area of the Howard County Water and Sewerage Master Plan.
2. The proposed BR District has safe road access and at least 60 feet of frontage on a collector or arterial highway.
3. A BR District at the proposed location will be compatible with existing land uses in the vicinity of the site.

### **C. Uses Permitted as a Matter of Right**

The following uses are permitted as a matter of right, subject to limitations imposed by the preliminary development criteria.

1. Animal hospital, completely enclosed.
2. Auction facility.
3. Blacksmith shop.
4. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
5. Commercial communication antennas.
6. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2. and 128.E.3.
7. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
8. Contractor's office and indoor or outdoor storage facility, provided that the maximum lot size for such use shall be ten acres. The types of contractors permitted shall include the following: carpentry, construction, electrical, excavating, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system installation and maintenance, snow removal, well drilling, and similar uses.
9. Convenience store, not to exceed 4,000 square feet.
10. Farm machinery and equipment maintenance, repair and painting facilities.
11. Farm machinery and equipment sales.
12. Farm supply store.
13. Farmer's market or farm stand.

14. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the use of the family residing on the lot and no livestock shall be permitted.
15. Feed or grain mills.
16. Firewood sales.
17. Gasoline service station, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board.
18. Government structure, facility or use.
19. Horse tack and saddlery shop.
20. Lawn and garden equipment sales, service and repair.
21. Livestock sales and auction markets.
22. Mulch manufacture.
23. Nonprofit club, lodge or community hall.
24. Offices, business and professional, not to exceed 5,000 square feet of gross floor area.
25. One dwelling unit per lot improved by a business establishment. A dwelling which is not within the same structure as the business shall be permitted only on a lot of five or more acres.
26. Processing and storage of agricultural products, including grain, fruit, vegetables, meat or animal products.
27. Religious activities, structures used primarily for.
28. Restaurant, standard, and beverage establishments including those serving beer, wine, and liquor.
29. Retail greenhouse, garden center or nursery.
30. Sawmills.
31. School bus storage.
32. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
33. Taxidermy.
34. Underground pipelines; electric transmission and distribution lines and transformers; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
35. Volunteer fire departments.
36. Welding service.

#### **D. Other Principal Permitted Uses**

Commercial uses other than those listed in Section 121.C may be permitted in the BR district subject to the following requirements:

1. The Zoning Board finds that the use is a non-conforming use that legally existed on the site prior to the property's designation as a BR district.
2. The use is defined and described by the approved preliminary development criteria.
3. The site may be redeveloped to accommodate a redesign of the existing use, including demolition of existing buildings, construction of new buildings, and alterations to parking or driveways. The redevelopment must be shown on the approved preliminary development plan.
4. The gross floor area of the existing use shall not be expanded by more than 50 percent over the floor area that legally existed at the time the BR district was created.

#### **E. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.

2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2. and 128.E.3.
3. Retail sale of propane on the site of a principal retail business.

**F. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. The following maximum limitations shall apply:
  - a. Height .....34 feet
  - b. Lot coverage by structures ..... 30 percent
2. The following minimum structure and use setbacks shall apply:
  - a. From a public street right-of-way or from agricultural parcels of at least 25 acres which are subject to a Preservation Parcel Easement or an Agricultural Land Preservation Program Easement.....50 feet
  - b. From all other residentially zoned property ..... 100 feet
  - c. From a business or industrial district .....30 feet
  - d. If a BR district is separated from a different zoning district by a public street, only the setback from a public street right-of-way shall apply.

**G. Procedure for Creation of a BR District**

1. The owner of an interest in a tract of land in Howard County may petition the Zoning Board to designate the property as a BR District. The petition shall include:
  - a. A boundary survey of the property covered by the petition.
  - b. A Preliminary Development Plan of the property covered by the petition. The Preliminary Development Plan shall show:
    - (1) Existing topography, 100-year floodplain areas and wetland areas.
    - (2) The general location of proposed points of access to the site.
    - (3) The general location of proposed landscaped areas and development areas, including the approximate acreage of each.
    - (4) The general location of proposed wells and septic system percolation areas.
2. The petition may also include preliminary development criteria that includes the following:
  - a. Permitted uses. The preliminary development criteria may limit the uses permitted by right to a subset of those permitted by Section 117.1.C.
  - b. Text defining an existing commercial use on the site that will continue to be allowed as permitted by Section 117.1.D.
  - c. Additional bulk or design requirements.

3. The Zoning Board may grant a petition for a BR District based upon findings that:
  - a. The proposed district will accomplish the purposes of the BR District;
  - b. The site meets the criteria listed in Subsection B of this Section.
  - c. The roads providing access to the site are appropriate for serving the business-related traffic generated by the proposed district;
  - d. Adequate sight distance along roads can be provided at proposed points of access to the site;
  - e. The proposed landscaped area can provide adequate buffering of the permitted uses from existing land uses in the vicinity.
4. If the petition is granted:
  - a. The Zoning Board shall, by Decision and Order, approve the Preliminary Development Plan and criteria and shall create a BR District covering the land in the petition.
  - b. The Zoning Board may in its Decision and Order modify or attach conditions to the Preliminary Development Plan or criteria, stating the reasons for its actions.
  - c. A copy of the Preliminary Development Plan and criteria shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

#### **H. Conformance with Preliminary Development Plan**

No Site Development Plan shall be approved for a BR District unless the Site Development Plan conforms substantially to the Preliminary Development Plan. Modifications to the uses or the development area shown on the Preliminary Development Plan must be approved by the Zoning Board, following the same procedures used for a petition to create a BR District.

#### **I. Other Provisions**

All activities related to the repair and maintenance of motor vehicles or equipment shall take place within a building.

#### **J. Conditional Uses**

The following are conditional uses in the BR District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Communication Towers (Commercial)
2. Kennels
3. Utility Uses, Public
4. Wrecked Vehicle Storage (Temporary)

## **SECTION 117.2: CC (Convenience Center) District**

### **A. Purpose**

The Convenience Center District is established to permit the development of small-scale retail stores and services which are conveniently located within residential areas and developed concurrently with residential development. The Convenience Center District is intended to permit small, low-impact uses which are designed as an integral part of a new residential development. The CC District is also intended to provide opportunity for business uses to be incorporated into a "Traditional Residential Neighborhood" using the elements of traditional neighborhood design described in the Howard County General Plan.

The Convenience Center District is intended to be a "floating zone." In order to enable the Zoning Board to evaluate the accomplishment of the purposes set forth herein, a Preliminary Development Plan is required for each Convenience Center District.

### **B. Criteria**

The Convenience Center District may be established in a particular location if all of the following criteria are satisfied:

1. The site is part of a residential development with at least 100 dwelling units left to develop and a gross area of 25 or more acres;
2. Unless located within a Traditional Residential Neighborhood, the site shall have direct access to a minor collector highway or be located at the intersection of a local road and a highway classified as major collector or higher;
3. Public water and public sewer are available;
4. A Convenience Center District at the proposed location is compatible with the existing and proposed residential development of adjacent properties;
5. The gross area of the district does not exceed two acres.

### **C. Uses Permitted as a Matter of Right**

(See Section 128.G for additional uses permitted in CC Districts within Traditional Residential Neighborhoods.)

1. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
2. Banking, limited to automatic teller machines, either freestanding or as a part of another structure.
3. Child day care centers and nursery schools.
4. Convenience stores.
5. Drug and cosmetic stores.
6. Food stores.
7. Hardware stores.
8. Laundry and dry cleaning establishments, provided that pickup and delivery services shall not be provided.
9. Liquor stores.
10. Offices, professional and business, limited to 50 percent of the floor area of all structures within the CC District.
11. Personal service establishments, such as barber shops, beauty shops, opticians, photographers, tailors.



12. Restaurants, carryout, including incidental delivery services.
13. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
14. Specialty stores.
15. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes, and other similar public utility uses not requiring a conditional use.

**D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Snowball stands, subject to the requirements of Section 128.D.5.

**E. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations, and 128.G, Alternative Regulations for Traditional Residential Neighborhoods.)

1. The following maximum limitations shall apply:
  - a. Height .....34 feet
  - b. No establishment permitted as a matter of right under Section 117.2.C shall exceed a gross floor area of 2,000 square feet, with the exception of food stores and convenience stores, which shall not exceed a gross floor area of 3,500 square feet, and day care centers, which shall have no maximum floor area.
2. Minimum structure and use setback requirements:
  - a. From public street right-of-way .....20 feet
  - b. From residential districts other than public street right-of-way .....30 feet

**F. Procedure for Creation of the CC District**

1. The owner of an interest in any tract of land in Howard County meeting the requirements of Section 117 may petition the Howard County Zoning Board to designate the property described in the petition as a Convenience Center District. The petition shall contain:
  - a. A metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 117.2.B.5.
  - b. A Preliminary Development Plan of the property covered by the petition. The Preliminary Development Plan shall set forth:
    - (1) Existing topography and major drainage areas;
    - (2) The general location of open space and development areas including the quantities proposed;
    - (3) The general location of points of access to the site;
    - (4) The availability and adequacy of utilities;
    - (5) The relationship of the site to the existing and proposed residential development which the proposed CC District is intended to serve; and,

- (6) Existing and proposed development within 200 feet of the site.
- 2. In considering the petition, the Zoning Board shall consider the following:
  - a. The purpose of the CC District and the criteria listed in Section 117.2.B;
  - b. The appropriateness of the location of the CC District as evidenced by the General Plan;
  - c. The availability of safe road access to the site;
  - d. The relationship of the site to existing and proposed residential and commercial uses;
  - e. For CC Districts within a Traditional Residential Neighborhood, the consistency of the proposed development with the concepts of traditional neighborhood design used in the residential development;
  - f. Other matters pertinent to the relationship of the site to the Comprehensive Zoning Plan for the area.
- 3. If the petition is granted:
  - a. The Zoning Board may modify or attach conditions to the Preliminary Development Plan, stating the reasons for its actions;
  - b. The Zoning Board shall, by decision and order, approve the Preliminary Development Plan and shall create a CC District covering all the land in the petition;
  - c. A copy of the Preliminary Development Plan shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Planning Board, the Department of Planning and Zoning and the petitioner; and
  - d. The zoning map of the County shall be amended so as to designate the area of the new CC District.

**G. Approval of the Site Development Plan by the Planning Board**

- 1. No permit shall be issued for any use in the CC District until the Site Development Plan has been approved by the Planning Board and the Department of Planning and Zoning.
- 2. A Site Development Plan submitted for approval must generally conform to the approved Preliminary Development Plan for the CC District.
- 3. The Planning Board, before acting upon the Site Development Plan, shall hold a public hearing and shall consider the approved Preliminary Development Plan, the comments of the Department of Planning and Zoning and the Subdivision Review Committee, and any additional public comments for the project.
- 4. After carefully considering the Site Development Plan, the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the Site Development Plan, stating the reasons for its action.

#### **H. Expiration of Approval of CC District**

If the CC District is not developed and in use in accordance with an approved Site Development Plan within three years of the date of the final order granting the petition, it shall be subject to the actions described in subsections 1 and 2 below.

1. At least 90 days prior to the expiration of the three year period, the property owner may submit a written request to the Department of Planning and Zoning describing the progress which has been made on the project and requesting an extension of the time limit. The Department of Planning and Zoning shall forward the request to the Zoning Board, which may deny the request or may grant an extension for a specified period of time not to exceed three years, without holding a public hearing, it finds that development in accordance with the approved Preliminary Development Plan has been substantially undertaken and is being diligently pursued to completion.
2. If an extension is not requested or is denied by the Zoning Board, the Department of Planning and Zoning shall inspect the property within 30 days of the expiration of the three year period and shall initiate the following action if the property is not fully developed and in use in accordance with an approved Site Development Plan:
  - a. The Department of Planning and Zoning shall notify the Zoning Board and the property owner in writing that a new public hearing on the petition is required;
  - b. Review of the petition shall proceed as if it were a new petition in accordance with the requirements of this Section;
  - c. After the public hearing on the Petition, the Zoning Board may grant an extension of the time limit for a specified period of time not to exceed three years, or may rezone the property to its previous zoning district, or to the most similar existing district in the event that its previous district no longer exists.

## **SECTION 117.3 OT (Office Transition) District**

### **A. Purpose**

This district is established to allow low-impact office uses adjacent to areas of residential zoning. The OT district is a floating district that will provide a transition along the edges of residential areas impacted by nearby retail/employment areas or arterial highways carrying high volumes of traffic. The standards of this district should result in small-scale office buildings on attractively-designed sites that are compatible with neighboring residential uses.

### **B. Requirements For OT District**

The OT district may be established at a particular location if the following requirements are met:

1. The site has frontage on and direct access to an arterial road.
2. The site abuts or is directly across a public street from
  - a. A nonresidential zoning district that is zoned for commercial or employment uses, but not another OT district, or
  - b. A government building or use, including public schools, that adjoins a non-residential district.
3. Reference standards for approvals in subsection G of this Section.

### **C. Uses Permitted As A Matter Of Right**

1. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4.
2. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.
3. Government structures, facilities and uses, including public schools and colleges.
4. Offices, professional and business.
5. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.

### **D. Accessory Uses**

Any use normally and customarily incidental to any use permitted as a matter of right in this district.

### **E. Bulk Regulations**

1. Parcel Size
  - a. Within the planned service area for public water and sewer, the gross area of an OT district shall be at least 20,000 square feet and no more than 2 acres.
  - b. Outside the planned service area for public water and sewer, the gross area of an OT district shall be at least 2 acres and no more than 5 acres.

2. Maximum Building Height
  - a. Principal structure .....34 feet
  - b. Accessory structure .....15 feet
3. Minimum setback requirements – structures and uses
  - a. For sites within the planned service area for public water and sewer:
    - (1) From public arterial or major collector rights-of-way.....20 feet
    - (2) From other public rights-of-way .....40 feet
    - (3) From residential zoning districts .....30 feet
  - b. For sites outside the planned service area for public water and sewer:
    - (1) From arterial or major collector rights-of-way.....30 feet
    - (2) From public street rights-of-way and residentially zoned property .....50 feet

**F. Petition Requirements**

A petition for designation of an OT district shall include the following:

1. A boundary survey of the property covered by the petition.
2. A preliminary development plan for the property showing the following:
  - a. Existing topography, 100-year floodplain areas, wetlands, forests, and other significant vegetation.
  - b. The availability and adequacy of utilities or the general location of proposed wells and septic system percolation areas, as applicable.
  - c. The location of proposed points of access to the site.
  - d. Sight distance analysis.
  - e. Proposed development of the site, including the general location of buildings, parking areas, landscaped areas, and accessory uses.
  - f. A detailed lighting and landscaping plan which indicates proposed landscape buffer types, existing vegetation, and topography. The plan should indicate how buffering will be provided along the perimeters of the site adjacent to residentially-zoned land.
  - g. Architectural elevations and renderings indicating the scale and character of proposed buildings.
  - h. Proposed hours of operation.

**G. Standards For Approval Of A Petition**

The Zoning Board may grant a petition for an OT district based upon findings that:

1. The district will accomplish the purposes of the OT district.
2. The site meets the requirements of Section 117.3.b
3. Adequate sight distance and safe access can be provided at proposed points of access to the site.
4. The site layout and landscaping will buffer neighboring residences from business uses.
5. Parking areas and driveways are oriented towards neighboring non-residential land uses and screened from residential land uses.
6. No more than 50 percent of the site may be covered by impervious surfaces.
7. The design of new structures or additions to existing structures will be generally compatible in scale and character with residential structures in the vicinity. Generally, no building should be larger than 5,000 square feet of gross floor area, although the zoning board may allow larger buildings if it finds that the design is such that the building will be compatible with the general character of neighboring residential structures.
8. The hours of operation and site lighting will not adversely impact the adjoining residential neighborhood.

**H. Planning Board Recommendation**

The Planning Board shall hold a public meeting on the petition and make a recommendation to the zoning board based on the above “Standards for Approval of a Petition”.

**I. Zoning Board Decision**

1. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the preliminary development plan, stating the reasons for its decision. The Zoning Board’s decision shall be based on the “Standards for Approval” given in Section G.
2. If the petition is approved, a reproducible copy of the preliminary development plan including building renderings and elevations shall be provided by the petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

**J. Amendments To Preliminary Development Plan**

1. A petition to amend a preliminary development plan may be submitted by the developer.
2. The petition shall be reviewed in accordance with the procedures established in Section 117.3.G.

**K. Site Development Plan**

**1. Planning Board Approval**

Planning Board approval of the site development plan is required. The Planning Board shall consider a site development plan at a public meeting.

**2. Site Development Plan Submission**

In addition to all other site development plan submission requirements, the submission shall include detailed architectural elevations and renderings of proposed buildings, including materials to be used.

**3. The Planning Board shall approve the site development plan if it finds that the plan:**

- a. Is substantially in conformance with the approved preliminary development plan.
- b. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.
- c. Provides a building design that is substantially in conformance with the architectural plans approved by the Zoning Board.

**4. Minor Additions And Modifications**

a. Minor modifications and additions not requiring Planning Board approval:

- (1) Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor.
- (2) Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
- (3) Minor additions to parking lots comprising no more than 10 percent of the original number of parking spaces required.
- (4) Clearing or grading that does not exceed 2,000 square feet in area.
- (5) Similar minor modifications as determined by the Department of Planning and Zoning.

- b. All changes of use which require exterior site alterations shall require Planning Board approval.

**5. Appeal Of Planning Board Decisions**

Appeals of decisions of the Planning Board shall be made to the hearing authority in accordance with the Howard County Code.

## **SECTION 117.4 CCT (Community Center Transition) District**

### **A. Purpose**

The CCT (Community Center Transition) District is established to permit community serving office, institutional, service and cultural facilities, as well as age-restricted adult housing. These uses serve the surrounding residential community and provide a transition between residential neighborhoods and retail activity centers.

### **B. Uses Permitted As A Matter Of Right**

1. Age-restricted adult housing.
2. Ambulatory health care facilities, including pharmacies incidental to these uses.
3. Athletic fields, tennis clubs, athletic centers, health clubs and commercial or community swimming pools.
4. Bio-medical laboratories.
5. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
6. Child day care centers and nursery schools.
7. Commercial communication antennas.
8. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2. and 128.E.3.
9. Concert halls.
10. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
11. Data processing and telecommunication center.
12. Day treatment or care facilities.
13. Funeral homes.
14. Government structures, facilities and uses, including public schools and colleges.
15. Legitimate theaters and dinner theaters.
16. Museums and libraries.
17. Nonprofit clubs, lodges, community halls, and camps.
18. Nursing homes and residential care facilities.
19. Offices, professional and business.
20. Religious activities, structures used primarily for.
21. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of section 128.D.
22. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
23. Schools, private academic, including colleges and universities.
24. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
25. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
26. Volunteer fire departments.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.



2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Retail and service businesses which are located within and primarily serve the residents of a nursing home, residential care facility, or age-restricted adult housing, provided such businesses do not occupy more than two percent of the total floor area of the building or buildings within the development.
4. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum Building Height:
  - a. Age-restricted adult apartments.....50 feet
  - b. All other uses.....40 feet
2. Minimum Structure or Use Setback:
  - a. From RC, RR, R-ED, R-20, R-12 and R-SC districts .....50 feet
  - b. From any other zoning district .....30 feet
  - c. From public street right-of-way .....30 feet
  - d. If a residential district is separated from the CCT district by a public street right-of-way, only the setback from the public street right-of-way shall apply.
3. Minimum distances between buildings for attached and apartment units within an age-restricted adult housing development:
  - a. Face to face.....30 feet
  - b. Face to side/rear to side.....20 feet
  - c. Side to side .....15 feet
  - d. Rear to rear .....50 feet
  - e. Rear to face.....75 feet

**E. Additional Requirements For Age-Restricted Adult Housing**

1. Design For Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to

persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

2. Enforcement Of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals must include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

3. Moderate Income Housing Units

At least 10 percent of the dwellings units shall be moderate income housing units.

4. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- a. 20 square feet of floor area per dwelling unit for developments of less than 100 dwelling units with a minimum area of 500 square feet, and
- b. 10 square feet of floor area per dwelling unit above 99.

5. Open Space

- a. Open space shall constitute at least 25 percent of the gross acreage used for an age-restricted adult development in the CCT district.
- b. The community shall include recreation and common areas for residents, including at least pathways and seating areas.

**F. Conditional Uses**

The following are conditional uses in the CCT district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

1. Cemeteries and mausoleums
2. Utility uses, public



## **SECTION 118: B-1 (Business: Local) District**

### **A. Purpose**

The B-1 District is established to provide areas of local business that can directly serve the general public with retail sales and services.

### **B. Uses Permitted as a Matter of Right**

1. Adult book or video stores, subject to the requirements of Section 128.H. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]
2. Ambulatory health care facilities.
3. Animal hospitals, completely enclosed.
4. Antique shops, art galleries, craft shops.
5. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
6. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Carpet and floor covering stores.
11. Catering establishments and banquet facilities.
12. Child day care centers and nursery schools.
13. Clothing and apparel stores with goods for sale or rent.
14. Commercial communication antennas.
15. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2. and 128.E.3.
16. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
17. Convenience stores.
18. Convents and monasteries used for residential purposes.
19. Day treatment or care facilities.
20. Drug and cosmetic stores.
21. Farmers markets and farm produce stands.
22. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
23. Food stores.
24. Funeral homes.
25. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hardware stores.
28. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements, provided such building materials and supplies are enclosed in a building.
29. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
30. Lawn and garden sheds and equipment sales, maintenance and repair.
31. Liquor stores.

32. Mobile home and modular home sales and rentals, but not including occupancy, provided that any such use is located on a lot which adjoins a lot zoned R-MH pursuant to Section 113.1 of these Regulations.
33. Motor vehicle parts or tire stores, without installation facilities.
34. Museums and libraries.
35. Nonprofit clubs, lodges, community halls.
36. Offices, professional and business.
37. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.
38. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
39. Pet grooming establishments.
40. Religious activities, structures used primarily for.
41. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
42. Restaurants, carryout, including incidental delivery service.
43. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
44. Retail greenhouses, garden centers and nurseries, including incidental sale of firewood.
45. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
46. Schools, private academic, including colleges and universities.
47. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
48. Specialty stores.
49. Swimming pools, commercial or community.
50. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
51. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Retail sale of propane on the site of a principal retail business.
4. Snowball stands, subject to the requirements of section 128.D.5.
5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum height .....40 feet

2. The following minimum structure and use setback requirements shall be observed:
  - a. From public street right-of-way .....30 feet  
Except for parking uses .....10 feet
  - b. From a residential district other than a public street right-of-way .....30 feet

E. **Conditional Uses**

The following are conditional uses in the B-1 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Cemeteries and Mausoleums
2. Communication Towers (Commercial)
3. Fast Food Restaurants
4. Historic Building Uses: Apartments
5. Kennels
6. Utility Uses, Public



## **SECTION 119: B-2 (Business: General) District**

### **A. Purpose**

The B-2 District is established to provide for commercial sales and services that directly serve the general public.

### **B. Uses Permitted as a Matter of Right**

1. Adult entertainment business (including adult book or video stores, movie theaters and live entertainment establishments), subject to the requirements of Section 128.H. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]
2. Ambulance services.
3. Ambulatory health care facilities.
4. Amusement facilities.
5. Animal hospitals, completely enclosed.
6. Antique shops, art galleries, craft shops.
7. Athletic and recreation facilities, including:
  - a. Bowling alleys, billiard parlors, skating rinks, dance halls and similar uses.
  - b. Miniature golf courses and golf driving ranges.
  - c. Community and commercial swimming pools.
  - d. Athletic fields, tennis clubs, athletic centers, health clubs and similar uses.
8. Auction facilities.
9. Bakeries.
10. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions.
11. Bicycle repair shops.
12. Blueprinting, printing, duplicating or engraving services.
13. Building cleaning, painting, roofing, exterminating and similar establishments, provided that all supplies and equipment are enclosed within a building.
14. Bulk retail stores.
15. Bus terminals.
16. Business machine sales, rental and service establishments.
17. Car wash facilities.
18. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
19. Carpet and floor covering stores.
20. Carpet and rug cleaning.
21. Catering establishments and banquet facilities.
22. Child day care centers and nursery schools.
23. Clothing and apparel stores with goods for sale or rent.
24. Commercial communication antennas.
25. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2. and 128.E.3.
26. Concert halls.
27. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
28. Convents and monasteries used for residential purposes.
29. Convenience stores.
30. Day treatment or care facilities.
31. Department stores, appliance stores.
32. Drug and cosmetic stores.
33. Fairgrounds.



34. Farmers markets and farm produce stands.
35. Farm supply stores.
36. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
37. Firewood sales.
38. Flea markets, indoor.
39. Food stores.
40. Funeral homes.
41. Furniture stores.
42. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
43. Government structures, facilities and uses, including public schools and colleges.
44. Hardware stores.
45. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper, and building materials and supplies related to home improvements.
46. Hotels, motels, country inns and conference centers.
47. Kennels.
48. Laundry and/or dry cleaning establishments.
49. Lawn and garden sheds and equipment sales, maintenance and repair.
50. Liquor stores.
51. Livestock sales and auction markets.
52. Lumber yard for the retail sale of lumber and other building materials and supplies.
53. Mobile home and modular home sales and rentals, but not including occupancy.
54. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repairs and incidental sales of parts.
55. Motor vehicle, construction equipment and farm equipment sales.
56. Motor vehicle inspections stations.
57. Motor vehicle parts or tire store, including installation facilities.
58. Movie theaters, legitimate theaters, dinner theaters.
59. Museums and libraries.
60. Nonprofit clubs, lodges, community halls.
61. Offices, professional and business.
62. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.
63. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
64. Pet grooming establishments.
65. Pizza delivery service and other services for off-site delivery of prepared food.
66. Recreational vehicle, marine equipment and boat sales, maintenance and repair facilities.
67. Recycling collection facilities.
68. Religious activities, structures used primarily for.
69. Rental centers which rent a variety of goods including equipment and tools.
70. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
71. Restaurants, carryout.
72. Restaurants, fast food.
73. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
74. Retail greenhouses, garden centers and nurseries.
75. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
76. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
77. Schools, private academic, including colleges and universities.

78. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
79. Specialty stores.
80. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
81. Taxidermies.
82. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
83. Volunteer fire departments.
84. Wholesale sales, made from retail sales establishments and limited to products permitted to be sold at retail in this district, provided sales and storage incidental to the sales use are conducted wholly within an enclosed building and all loading and unloading of merchandise is conducted on private property.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Retail sale of propane on the site of a principal retail business.
4. Snowball stands, subject to the requirements of section 128.D.5.
5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum height .....40 feet
2. The following minimum structure and use setback requirements shall be observed:
  - a. From public street right-of-way .....30 feet  
 Except for parking uses .....10 feet  
 Except for the display of for-sale passenger cars, pick-up trucks,  
 and passenger vans from the right-of-way of a local road .....10 feet  
 (Amended Council Bill - 48-1997 (ZRA-11), effective 9/10/97).
  - b. From residential districts other than public street right-of-way .....30 feet

**E. Conditional Uses**

The following are conditional uses in the B-2 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Cemeteries and Mausoleums
2. Communication Towers (Commercial)
3. Contractor Storage Facility
4. Gasoline, Fuel Oil and Liquefied Petroleum, Bulk Storage of

5. Gasoline Service Stations
6. Historic Building Uses: Apartments
7. School Bus, Boat or Recreational Vehicle Storage Facilities  
[#7- Council Bill 29-2002 (ZRA-37), effective 8/6/02]
8. Utility Uses, Public
9. Wrecked Vehicle Storage (Temporary)

## **SECTION 120: SC (Shopping Center) District**

### **A. Purpose**

The SC District is established to permit local retail and office use areas. The Shopping Center District permits the opportunity for one stop shopping for a neighborhood and community.

### **B. Uses Permitted as a Matter of Right**

1. Adult entertainment business (including adult book or video stores, movie theaters and live entertainment establishments), subject to the requirements of Section 128.H. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]
2. Ambulatory health care facilities.
3. Animal hospitals, completely enclosed.
4. Antique shops, art galleries, craft shops.
5. Bakeries, provided all goods baked on the premises shall be sold retail from the premises.
6. Banks, savings and loan association, investment companies, credit bureaus, brokers, and similar financial institutions.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services, limited to 2,000 square feet of net floor area.
9. Business machine sales, rental and service establishments.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
11. Carpet and floor covering stores.
12. Catering establishments and banquet facilities.
13. Child day care centers and nursery schools.
14. Clothing and apparel stores with goods for sale or rent.
15. Commercial communication antennas.
16. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2. and 128.E.3.
17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
18. Day treatment or care facilities.
19. Department stores, appliance stores.
20. Drug and cosmetic stores.
21. Farmers markets and farm produce stands.
22. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
23. Food stores.
24. Funeral homes.
25. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
26. Furniture stores.
27. Government structures, facilities and uses, including public schools and colleges.
28. Hardware stores.
29. Home improvement stores including, but not limited to, the following: electrical supplies, glass, garden supplies, hardware, plumbing supplies, wallpaper and building materials and supplies related to home improvements, provided such building materials and supplies are enclosed in a building.
30. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
31. Lawn and garden equipment sales, maintenance and repair.
32. Liquor stores.

33. Motor vehicle maintenance, repair and painting facilities, including full body repairs and incidental sales of parts.
34. Motor vehicle parts or tire store, including installation facilities.
35. Movie theaters, legitimate theaters, dinner theaters.
36. Museums and libraries.
37. Nonprofit clubs, lodges, community halls.
38. Offices, professional and business.
39. One dwelling unit per business establishment within the same structure, provided the dwelling unit does not exceed 50 percent of the floor area of the structure.
40. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
41. Pet grooming establishments.
42. Pizza delivery services and other services for off-site delivery of prepared food.
43. Recycling collection facilities.
44. Religious activities, structures used primarily for.
45. Rental centers which rent a variety of goods including equipment and tools.
46. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
47. Restaurants, carryout.
48. Restaurants, fast food.
49. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
50. Retail greenhouses, garden centers and nurseries.
51. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
52. Service agencies, such as real estate agencies, insurance agencies, security services, mailing services, messenger services, computer services, and travel agencies.
53. Specialty stores.
54. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
55. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Retail sale of propane on the site of a principal retail business.
4. Snowball stands, subject to the requirements of Section 128.D.5.
5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts, and similar private, noncommercial recreation facilities.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum height .....40 feet
2. The following minimum requirements shall be observed:

- a. District size, not to prohibit the sale or lease of lots therein ..... 10 acres
- b. Structure or use setbacks:
  - (1) From public street right-of-way ..... 100 feet  
 Except that for parking uses ..... 30 feet
  - (2) From residential districts other than public street right-of-way ..... 100 feet

**E. Approval of Sketch Plans**

The following requirements shall apply to any subdivision of land within an SC District:

- 1. A Sketch Plan shall be submitted which shows the entire area of the SC District. In addition to the information required by the Subdivision and Land Development Regulations, the Sketch Plan shall include the following:
  - a. Approximate location of each building and approximate setback distances from streets, property lines, and other buildings;
  - b. Approximate location of parking areas, loading areas, open space, and street access;
  - c. Total number of parking spaces within the district, the number of spaces on each proposed lot, and proposed arrangements for common parking facilities.
- 2. All lots within the SC District shall have shared driveway access to public streets.
- 3. The Sketch Plan shall be approved only if the Director of Planning and Zoning determines that the plan provides a unified arrangement of lots, buildings, parking and service areas, and open space.

**F. Conditional Uses**

The following are conditional uses in the SC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

- 1. Cemeteries and Mausoleums
- 2. Communication Towers (Commercial)
- 3. Gasoline Service Stations
- 4. Utility Uses, Public



## **SECTION 122: M-1 (Manufacturing: Light) District**

### **A. Purpose**

The M-1 District is established to permit a mix of manufacturing, warehousing and business uses with provisions for limited retail sales.

### **B. Uses Permitted as a Matter of Right**

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic and recreation facilities, including:
  - a. Bowling alleys, billiard parlors, skating rinks, dance halls and similar uses.
  - b. Miniature golf courses and golf driving ranges.
  - c. Community and commercial swimming pools.
  - d. Athletic fields, tennis clubs, athletic centers, health clubs.
4. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
5. Biomedical laboratories.
6. Blueprinting, printing, duplicating or engraving services.
7. Bus terminals.
8. Carpet and floor covering stores.
9. Car wash facilities.
10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
11. Carpet and rug cleaning.
12. Catering establishments and banquet facilities.
13. Child day care centers and nursery schools.
14. Concert halls.
15. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
16. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.
17. Data processing and telecommunication centers
18. Day treatment or care facilities.
19. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
20. Flex- space
21. Food and drink production, processing, packaging and distribution for dairy products, food products, bakery products, non-alcoholic beverages, spices, ice and meats, excluding slaughtering.
22. Funeral homes.
23. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
24. Furniture stores.
25. Government structures, facilities and uses, including public schools and colleges.
26. Hotels, motels, conference centers and country inns.
27. Laundry or dry cleaning establishments or plants.
28. Manufacturing, compounding, assembling or treatment of articles or merchandise from previously-prepared materials such as: ceramics, clay, cloth, cork, fiber, glass, leather, paper, pipe, plastics, precious or semi-precious metals or stones, wire, and wood.



29. Manufacture, compounding, processing or packaging of pharmaceuticals, biotechnical products and cosmetics.
30. Manufacture and assembly of apparel, decorations, firearms, furniture, household appliances, household goods, jewelry, musical instruments, paper products, rubber and metal stamps, sporting goods, toys, and similar light manufacturing uses.
31. Manufacture, assembly and service of electronic, communications, computer, medical, scientific, optical, photographic or technical instruments, equipment and components.
32. Manufacture, processing and assembly of metal products, including products made of sheet metal, wrought iron, light metal mesh, pipe, or wire. This use includes welding, blacksmithing and manufacture of machine components, but does not include large stampings such as motor vehicle fenders and bodies.
33. Manufacture of mulch.
34. Manufacture of paint, not employing a boiling or rendering process.
35. Material recovery facilities - source separated.
36. Mobile home and modular home sales and rentals, but not including occupancy.
37. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
38. Motor vehicle, construction equipment and farm equipment sales.
39. Motor vehicle inspections station.
40. Motor vehicle towing and storage facility.
41. Nonprofit clubs, lodges, community halls.
42. Offices, professional and business.
43. Photographic processing plants.
44. Pizza delivery services and other services for off-site delivery of prepared food.
45. Printing, lithography, bookbinding or publishing.
46. Processing and storage of agricultural products, including grain, fruit, vegetables, meat or animal products.
47. Public utility uses, limited to the following:
  - a. Utility substations, provided that all uses are set back at least 50 feet from lot lines.
  - b. Above ground pipelines.
  - c. Pumping stations and compression stations.
  - d. Telecommunication equipment facilities.
  - e. Commercial communications antennas.
  - f. Commercial communication towers, subject to the requirements of Section 128.E.2. and 128.E.3.
48. Recycling collection facilities.
49. Religious activities, structures used primarily for.
50. Research and development establishments.
51. Restaurants, carryout.
52. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
53. Retail centers. Retail centers to serve the employees and users of projects within this zoning district are permitted within projects of at least 200 acres when such centers conform to the requirements set forth below.
  - a. Purpose: The purpose of such retail centers is to provide employees and users of development in this zoning district with conveniently located commercial, retail and personal services; to reduce the need for vehicle trips off and onto the site to obtain such services; to provide employees and users with the useable open space and amenities associated with such services (e.g., outdoor eating areas); and to make more efficient use of the site by clustering together related retail, commercial and service activities in retail centers which typically would not exceed 40,000 square feet of gross floor area.
  - b. Uses permitted by right in such retail centers include any combination of the retail, commercial or service uses permitted by right in this district plus the following uses:

- (1) Newsstand.
  - (2) Convenience store.
  - (3) Personal service establishments such as barber and beauty shops, opticians, and photographic stores.
  - (4) Specialty stores.
  - (5) Telegraph offices, express mail, and messenger services.
  - (6) Travel bureaus.
  - (7) Drug and cosmetic stores.
- c. Minimum requirements and conditions: Retail centers incorporating the uses cited in paragraph b. above shall be permitted within this zoning district when they meet the following conditions:
- (1) Minimum project size shall be 200 gross acres and such projects shall have a continuous internal road system.
  - (2) The retail center(s) lot shall not occupy, in the aggregate, more than (2%) of the gross acreage of the project.
  - (3) Development of the retail center(s) shall be phased in with the development of permitted uses within the project so that at no time shall the aggregate floor area of the improvements in the retail center(s) exceed ten percent (10%) of the total aggregate floor area of improvements for permitted uses either constructed or being constructed pursuant to approved Site Development Plans.
  - (4) Retail center(s) may not be located on a lot that fronts on or abuts any street or highway unless such street or highway is internal to the project. All access to the retail center(s) shall be from interior streets within the project. The distance from any lot line of the retail center lot to the nearest street or highway right-of-way external to the project shall be no less than 500 feet and signage for the center shall not be oriented to such external streets.
54. Retail, limited:  
For any manufacturing plant or warehouse permitted in the M-1 District, retail sales may be permitted, provided that:
- a. The products sold are either manufactured on the site, sold as parts or accessories to products manufactured on the site, or stored or distributed on the site;
  - b. Not more than 30 percent of the floor space of the first floor of the main structure may be devoted to the retail sales of articles made, stored or distributed on the premises; and
  - c. Any service facilities are limited to the repair and/or service of products manufactured, stored or distributed by the owner or lessee of the site.
- Nothing herein contained shall be construed to permit the operation of general retail sales businesses.
55. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
56. Sawmills.
57. School bus, boat and recreational vehicle storage facilities.
58. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
59. Schools, private academic, including colleges and universities.
60. Self storage facilities.
61. Sign making shops.
62. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
63. Taxidermies.
64. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units, telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
65. Volunteer fire departments.
66. Warehouses, truck terminals, and moving and storage establishments.

67. Wholesale sale and storage of building materials and supplies, including storage yards for lumber, bricks, masonry blocks, construction equipment, plumbing and electrical supplies.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. The following retail and service uses, on a lot used primarily for multistory business or professional offices, provided the total gross floor area of all such establishments on a lot shall not exceed 2,000 square feet and shall not exceed 10 percent of the total floor space of the principal use:
  - a. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
  - b. Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, data processing services.
  - c. Retail establishments, limited to the following: convenience stores, food stores, drug and cosmetic stores and specialty stores.
4. Flea markets, provided that: a permit is issued by the Department of Planning and Zoning; sufficient parking exists on the site; the site has direct access to a major collector or arterial highway; and the flea market use is limited to weekends and national holidays.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. The following maximum height limitations shall apply:
  - a. Structure with minimum setback.....50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum ..... 100 feet
2. The following minimum structure and use setback requirements shall be observed:
  - a. From any external public street right-of-way .....50 feet  
Except for parking uses and fences adjoining parking uses .....30 feet
  - b. From any internal public street right-of-way .....50 feet  
Except for parking uses and fences adjoining parking uses ..... 10 feet
  - c. From any residential district ..... 100 feet  
However, if the residential district is separated from the M-1 District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

**E. Conditional Uses**

The following are conditional uses in the M-1 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Aircraft Landing and Storage Areas (Private Ownership)
2. Cemeteries and Mausoleums
3. Fast Food Restaurants
4. Gasoline, Fuel Oil and Liquified Petroleum, Bulk Storage of
5. Gasoline Service Stations
6. Historic Building Uses: Apartments
7. Mobile Homes for Security Purposes
8. Movie Theaters, Legitimate Theaters, Dinner Theaters
9. Quarries - Rock, Stone, Sand and Borrow Pits
10. Rubble Landfill and Land Clearing Debris Landfill Facilities
11. Used Merchandise, Retail Sale by Non-Profit Organizations
12. Wrecked Vehicle Storage (Temporary)
13. Yard Waste Composting Facility



## **SECTION 123: M-2 (Manufacturing: Heavy) District**

### **A. Purpose**

The M-2 District is established to permit a mix of manufacturing, warehousing, industrial and business uses with provisions for limited retail sales.

### **B. Uses Permitted as a Matter of Right**

1. All uses permitted as a matter of right in the M-1 District.
2. Feed and grain mills.
3. Go-cart tracks, provided that outdoor go-cart tracks are subject to the following requirements:
  - a. The go-cart track must be part of a sports or recreation complex including at least two other uses permitted by Section 122.B.3; and
  - b. The go-cart track must be at least 500 feet from residential districts and 500 feet from existing residences in nonresidential districts.
  - c. A sports or recreation complex containing a go-cart track must be at least 2500 feet from any other sports or recreation complex containing a go-cart track.
4. Kennels.
5. Manufacture and assembly of vehicles, equipment and machinery. Includes parts manufacture and repair services.
6. Manufacture and processing of natural or synthetic rubber.
7. Manufacture of clay, ceramic and porcelain products.
8. Manufacture of concrete, asphalt and related products, and concrete and asphalt batching.
9. Manufacture of chemicals and allied products, including paints, varnishes, pesticides, soaps, polishes, bleaches, detergents, inks, dyes, gum and wood chemicals, plastics and synthetic fibers, organic and inorganic chemicals, and similar uses.
10. Motor vehicle dismantling, provided that:
  - a. Dismantling and processing takes place within a building;
  - b. Outdoor storage is limited to no more than one acre of non-dismantled vehicles; and
  - c. Outdoor vehicle storage areas are screened from public streets and residential zoning districts by solid walls or fences.
11. Storage, loading and transfer sites for sand, gravel, coal or stone.
12. Topsoil storage for commercial purposes.

### **C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. The following retail and service uses, on a lot used primarily for multistory business or professional offices, provided the total gross floor area of all such establishments on a lot shall not exceed 2,000 square feet and shall not exceed 10 percent of the total floor space of the principal use:
  - a. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
  - b. Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, data processing services.

- c. Retail establishments, limited to the following: convenience stores, food stores, drug and cosmetic stores and specialty stores.
- 4. Child day care centers.
- 5. Retail establishments for the sale of items directly related to a principal manufacturing use, provided that the floor area of the retail establishments shall not exceed 2,000 square feet or ten percent of the total floor area of the related principal use, whichever is less.
- 6. Flea markets, provided that: a permit is issued by the Department of Planning and Zoning; sufficient parking exists on the site; the site has direct access to a major collector or arterial highway; and the flea market use is limited to weekends and national holidays.
- 7. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

- 1. The following maximum height limitations shall apply:
  - a. Structure with minimum setback.....50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum.....100 feet
- 2. The following minimum structure and use setback requirements shall be observed:
  - a. From any external public street right-of-way.....50 feet  
Except for parking uses and fences adjoining parking uses .....30 feet
  - b. From any internal public street right of way .....50 feet  
Except for parking uses and fences adjoining parking uses .....10 feet
  - c. From any residential district.....150 feet  
However, if the residential district is separated from the M-2 District by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

**E. Conditional Uses**

The following are conditional uses in the M-2 District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

- 1. Aircraft Landing and Storage Areas (Private Ownership)
- 2. Cemeteries and Mausoleums
- 3. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities
- 4. Explosives, Storage of
- 5. Fast Food Restaurants
- 6. Gases, Manufacture, Sale, Storage and Distribution of Acetylene and Other Non-Toxic Industrial
- 7. Gasoline, Fuel Oil and Liquified Petroleum, Bulk Storage of
- 8. Gasoline Service Stations
- 9. Historic Building Uses: Apartments
- 10. Junk Yard

11. Mobile Homes for Security Purposes
12. Quarries - Rock, Stone, Sand, and Borrow Pits
13. Used Merchandise, Retail Sale by Non-Profit Organizations
14. Wrecked Vehicle Storage (Temporary)





## **SECTION 124: SW (Solid Waste) Overlay District**

### **A. Purpose**

The Solid Waste District is established to provide opportunity for solid waste processing facilities not allowed in other zoning districts and to encourage re-use and recycling of solid waste in lieu of disposal at a landfill. Because of changing technology, it is not possible to identify and adopt specific zoning regulations for all types of solid waste processing uses which may be proposed in Howard County. However, it is essential to provide opportunity for viable, constructive alternatives to disposal of solid waste in landfills. The Solid Waste District permits processing facilities for non-hazardous solid waste which are not covered elsewhere in the Zoning Regulations, while requiring detailed review of each proposal to evaluate its land use impacts and its potential contribution to the County's solid waste management system.

Because many solid waste processing facilities are of a heavy industrial nature, the SW District is an overlay district which may be applied only to land in the M-2 District. The Zoning Board may also apply the SW District to land in the M-1 District, provided there is a compelling reason and the use in the SW District shall be limited to a waste transfer station or material recovery facility.

The SW District is a floating district which may be applied if the Zoning Board finds, upon review of a specific proposal and Preliminary Development Plan, that application of the District at a proposed location will meet the requirements established in this Section.

### **B. Uses Permitted as a Matter of Right if the Underlying District is M-2:**

1. Land clearing debris landfills.
2. Rubble landfills.
3. Solid waste processing facilities.
4. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.

### **C. Uses Permitted as a Matter of Right if the Underlying District is M-1:**

1. Material recovery facilities.
2. Waste transfer stations.
3. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.

### **D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Retail sale of items produced on the site.

3. Recycling collection facilities.

**E. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. The following maximum height requirements shall apply:
  - a. Structure with minimum setback.....50 feet
  - b. Structure with an additional 1 foot in height for every 2 feet of setback above the minimum..... 100 feet
  - c. Except stacks and chimneys, with an additional 1 foot in height for every 2 feet of setback above the minimum ..... no limit
2. The following minimum structure and use setback requirements shall apply:
  - a. From adjacent residentially-zoned lots.....300 feet
  - b. From public street rights-of-way ..... 100 feet
  - c. From existing streams and wetlands with respect to those uses only permitted in the underlying M-2 District..... 100 feet
  - d. From lot lines .....50 feet
  - e. Where a petition proposes the expansion of an existing permitted use, the foregoing setback requirements shall apply only to the expansion proposed by the petition.

**F. Procedure for Creation of a SW District**

1. The owner of an interest in a tract of land in Howard County may petition the Zoning Board to designate the property as a SW District. The petition shall include the following items:
  - a. A boundary survey of the property covered by the petition.
  - b. An Operations Plan which includes:
    - (1) A description of the specific proposed use or uses of the SW District, including the waste handling, processing and recycling methods to be used, approximate processing capacity, and material storage requirements.
    - (2) A description of the types and capacities of equipment or machinery which will be used within the district.
    - (3) The types and approximate quantities of waste which will be processed and products or materials which will be generated.
    - (4) A description of the methods by which solid waste will be delivered to the facility, including an estimate of the size and frequency of solid waste delivery vehicles.
    - (5) A description of storage and disposal methods for unacceptable materials delivered to the site and for nonmarketable residues and materials produced or separated from the processed solid waste.
    - (6) A description of storage and delivery methods for marketable materials or products which are separated or produced from the processed solid waste.

- (7) Methods of controlling odors, smoke, dust, litter, noise, and insect or rodent infestation; methods of preventing, and, if necessary, controlling fire and explosions; methods of collecting and treating liquids generated by the use; methods of maintaining clean and sanitary conditions.
- (8) Approximate quantities of water usage and waste water generation.
- (9) Procedures for cleaning and maintaining the appearance of the facility and for collecting waste which falls from transport vehicles in the vicinity of the site.
- (10) A description of alternative solid waste processing or disposal arrangements in the event the proposed facility, or a portion of the facility, becomes inoperative due to unforeseen events such as equipment breakdown or power failure. Included shall be a description of stand-by equipment or anticipated solid waste diversions to other facilities.

c. A Preliminary Development Plan which shows:

- (1) Existing topography, woodlands, 100-year floodplain areas and wetland areas.
- (2) If a rubble or land clearing debris landfill is proposed, the proposed fill area and the portion of the site to be excavated. Areas to be used for fill shall be identified either as non-buildable areas or as future building sites.
- (3) The general location of proposed points of access to the site.
- (4) The general location of proposed improvements and uses, including:
  - (a) building and structure envelopes;
  - (b) outdoor receiving, loading, treatment and storage areas;
  - (c) indoor or outdoor areas to be used for major equipment, machinery or processing operations;
  - (d) storm water management facilities;
  - (e) parking areas and driveways; and
  - (f) landscaped areas.
- (5) The location and type of landscaping or fencing which will be used to screen outdoor uses from public roads or residential zoning districts.
- (6) If applicable, the proposed sales area and customer parking area for retail sales of products or materials produced on the site.
- (7) Public water and public sewer facilities which will serve the facility.

d. A description of available markets and intended users of the products and materials.

e. If a rubble landfill or land clearing debris landfill is proposed, a rehabilitation plan which includes the following information:

- (1) A contour plan showing contour intervals of two feet, indicating the general grades and slopes to which excavated or filled areas are to be graded, and demonstrating that all disturbed land will be regraded so that no slope exceeds a 25 percent grade.
- (2) A plan for vegetatively stabilizing disturbed areas.
- (3) A schedule for removal of machinery or structures, closure of access roads, regrading, and planting after the landfill operation ceases.

f. A summary of other local, State and Federal requirements that will apply to the proposed facility.

2. The Zoning Board may grant a petition for a SW District based upon findings that:

a. The SW District will overlay land in the M-1 or M-2 Zoning District.

- b. The proposed uses will accomplish the purposes of the SW District.
  - c. Safe road access is available to the site.
  - d. Setbacks and landscaped areas will provide adequate buffering of the proposed uses from existing land uses in the vicinity.
  - e. Outdoor uses will be screened from roads and residential districts.
  - f. The facility will not result in odors, noise, smoke, dust, litter, rodent or insect infestation, or other substance or condition which will adversely affect the surrounding area.
  - g. The operation will be conducted in an environmentally sound and sanitary manner.
  - h. If applicable, the area to be used for retail sales will provide safe ingress and egress for retail customers and will be clearly accessory to the principal use.
  - i. The proposed facility is consistent with the Howard County Solid Waste Management Plan.
3. If the petition is granted:
- a. The Zoning Board shall, by Decision and Order, approve the Preliminary Development Plan and the Operations Plan, and shall create a Solid Waste Overlay District covering the land in the petition.
  - b. The Zoning Board may in its Decision and Order modify or attach conditions to the Preliminary Development Plan or Operations Plan, stating the reasons for its actions. The Board may, in its discretion, hold additional hearings on any modifications or conditions as it deems appropriate.
  - c. A copy of the Preliminary Development Plan and Operations Plan shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning, the Department of Public Works, and the Petitioner.
  - d. The provisions of the underlying M-1 or M-2 District shall no longer apply within the SW District.
4. Conformance with Preliminary Development Plan and Operations Plan
- a. A Site Development Plan shall not be approved for a SW District unless the plan conforms substantially to the Preliminary Development Plan and Operations Plan.
  - b. All uses within the SW District shall conform to the Preliminary Development Plan and Operations Plan.
  - c. The Preliminary Development Plan and Operations Plan may only be amended by the Zoning Board, following the same procedures used for a petition to create a Solid Waste Overlay District.

**G. Reversion of SW District**

Upon petition by the owner(s), and following the procedures for a zoning map amendment, the Zoning Board may remove the Solid Waste Overlay District from a property. The property shall revert to the underlying M-1 or M-2 District as appropriate.



## **SECTION 125: NT (New Town) District**

### **A. Definitions, Requirements and Restrictions Applicable to NT Districts**

1. As used herein, the term "New Town" means an unincorporated city, town or village which:
  - a. Is designated and planned as an economically and culturally self-sufficient community with a population of at least 20,000 inhabitants; and
  - b. Is so designed and planned as to meet all of the requirements specified in this Section 125.
2. As used herein, the terms "New Town District," "NT District" or "the District" means the land zoned for the erection of a New Town under the provisions of this Section 125.
3. No NT District shall be created except by the procedure set forth herein. Each NT District must contain a total area of at least 2,500 contiguous acres. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) owned by third parties shall be deemed to be contiguous for purposes of this Section 125. No NT District shall be established except upon land the beneficial title to which is in the person, firm or corporation executing the petition referred to in Section 125 thereof. The tenant under a lease having a term of not less than 75 years shall be deemed to be the holder of the beneficial title to the land covered by the lease for the purpose of this Section 125.
4. No NT District shall have a greater overall population density than that produced by the number of dwellings permitted herein. The maximum number of dwellings permitted within an NT District shall be calculated by multiplying the total number of acres within the entire NT District (without excluding any areas regardless of their use) by the average number of dwellings per acre permitted with the NT District as specified in the "Final Development Plan," as hereinafter defined; provided, however, that in no event shall the number of dwellings per acre permitted in any NT District exceed two and one half. Within each NT District the following additional density restrictions shall apply:
  - a. In areas designated "single family -- low density" on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by two.
  - b. In areas designated "single family -- medium density" on the Final Development Plan, the maximum number of dwellings permitted shall relate to the overall total number of dwellings in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by four.
  - c. In areas designated "Apartments" on the Final Development Plan the maximum number of apartments permitted shall relate to the overall total number of apartments in all areas so designated within the NT District and shall be calculated by multiplying the number of acres within all areas so designated by 15.
5. The use of land within NT Districts shall be limited to those uses specified in the "Final Development Plan," provided, however, that:



- a. No uses permitted only in the R-MH or M-2 Districts under these Regulations may be permitted in an NT District; and
  - b. Attached or semi-detached dwellings may be erected only in areas designated “Apartments” on the Final Development Plan, and:
    - (1) In groups having no more than 10 dwellings attached to one another if attached on the sides, or 16 dwellings if attached back to back; and
    - (2) In such numbers so as not to exceed 10 dwellings for each acre of such use, calculated by multiplying the number of acres so designated by 10; and
    - (3) In such physical relation to each other and to other uses as may be specifically approved on a subdivision layout submitted as part of the Final Development Plan.
6. Except for accessory uses as hereinafter provided, no structure within an NT District shall be:
- a. Erected except in accordance with the Final Development Plan, or
  - b. Used for any purpose other than the use designated for it on the Final Development Plan.
7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be applicable to NT Districts:
- a. Access shall be provided from every use site to a public street or to a system of common streets and ways connecting with the public street system.
  - b. The off-street parking requirements of Section 133 of these Regulations shall be applicable.
  - c. The accessory use provisions of Section 110 shall be applicable to all residential uses within the NT District.
  - d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to the NT District except for those provisions which specifically exclude the NT District.

Subject to any additional specific permitted uses of land which may be designated on an approved Final Development Plan pursuant to Section 125.C.3.d of these Regulations, if an approved Final Development Plan designates POR, B-1, B-2, SC or M-1 District uses or any combination thereof for a specific area, then the general permitted uses for such area shall be those uses permitted as a matter of right in those districts. However, the bulk regulations for those districts regulating the location of structures, height limitations, setback provisions, minimum lot sizes, and coverage requirements shall not apply inasmuch as the controls therefore shall be included in the Final Development Plan approved by the Planning Board as provided under Section 125.C of these Regulations.

8. Each New Town District must provide each of the following uses in the following proportions:

	(1) Minimum Percentage of Total Area of the District	(2) Maximum Percentage of Total Area of the District
Open Space Uses	36%	N/A
Single Family – Low Density	10%	N/A
Single Family – Medium Density	20%	N/A
Apartments	N/A	13%
Commercial (POR, B-1, B-2 and SC uses)	2%	10%
Industrial Uses (M-1 uses)	10%	20%
Other uses presently permitted in any zoning district other than those permitted only in R- MH or M-2 Districts	N/A	15%

Note: N/A means Not Applicable

Each New Town District must also provide adequate public transportation facilities and public water and sewer systems in the areas shown on the Final Development Plan. As used in this Section the term "open space uses" is defined as being those uses which do not involve any extensive coverage of land with structures, as, for example, all lands devoted to raising of crops, agricultural uses, parks, playing fields, golf courses and any other outdoor recreational uses (whether any such uses be publicly owned or privately owned or operated for profit), as well as all lands covered by lakes, rivers or streams, and all lands devoted to public or community uses. Open land designated for residential uses shall be considered qualified as "open space use" only if it is held for the common use of the public or persons residing in the particular locality within the community, and if it is larger than two acres in size. For the purpose of meeting the 36 percent requirement imposed above:

- a. The term "open space uses" shall not include parking lots, streets, rights-of-way, amusement parks, golf driving ranges which are not ancillary to a golf course, or drive-in movies.
  - b. All lands approved and credited as open space use on the Final Development Plan of the NT District shall be conclusively presumed to satisfy the requirements of this section.
9. Anything in other sections of these regulations to the contrary notwithstanding, there shall be no restrictions upon the use of, or on the erection of structures on, land within an NT District, other than such as are provided in the various subsections of this section or in such other sections of these regulations as are expressly stated to be applicable by the various provisions of this section. Nothing herein shall render inapplicable any regulation of the County relating to construction requirements and/or subdivision approval to the extent that any of the same are not inconsistent with the provisions of this Section.

#### **B. Procedure for Creation of NT Districts**

1. The beneficial owner of any tract of land in Howard County meeting the requirements of Section 125 may petition the Howard County Zoning Board to designate the property described in the petition as an NT District. The petition shall contain:
  - a. The exact name and address of the petitioner and a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property in question to

the petitioner is recorded. If the petitioner is not the legal as well as beneficial owner of the property, the petition shall:

- (1) So state;
    - (2) List the exact name and address of the legal title holder and give a reference to the liber and folio of the Land Records of Howard County at which the deed conveying the property to the legal title holder is recorded, and
    - (3) Contain a written assent to the petition signed by the legal title holder.
  - b. A metes and bounds description of the property covered by the petition and a survey thereof demonstrating that the same meets the requirements of Section 125.A.3.
  - c. A Preliminary Development Plan of the property covered by the petition. As used in this Section the term "Preliminary Development Plan" shall mean a generalized drawing or series of drawings of the proposed New Town, with appropriate text materials, setting forth:
    - (1) The major planning assumptions and objectives, including the projected population, the planned development schedule, the method of assuring that all open space uses will be permanently maintained and devoted to open space uses, the proposed public transit system routes and method of operation, and the facilities for the proposed cultural activities of the New Town;
    - (2) The proposed general layout of major roads and highways stating projected average daily traffic flows;
    - (3) A statement of the number of acres within the proposed NT District intended to be devoted to:
      - (a) Residential uses, broken down into the number of acres to be used for each of the following specific residential uses:  
Single-family -- low density areas;  
Single-family -- medium density areas;  
Apartment areas;
      - (b) Employment uses (i.e. any use involving the employment of individuals, including office buildings, private schools, hospitals, institutions, commercial undertakings, industrial enterprises, and all other forms of business, professional or industrial operations); and
      - (c) Open space uses.
    - (4) The general location of the uses referred to in subparagraph (3) above, including proposed sites for recreational uses, schools, parks and other public or community uses and, to the extent the petitioner has determined locations for commercial uses at the time of the filing of the Preliminary Development Plan, including a separate designation of commercial areas;
    - (5) A description of the proposed drainage, water supply, sewerage and other utility facilities including projected flows; and
    - (6) A statement of the intended overall maximum density of population of the proposed NT District, expressed in terms of the average number of dwellings per acre.
2. The Preliminary Development Plan shall indicate the location and nature of any commercial uses in relation to residential areas. All proposed and identified commercial or industrial uses shall be indicated on the drawings in areas marked "Employment Centers," defined as those areas shown on the Preliminary Development Plan which the petitioner proposes to develop for employment uses.

3. The Zoning Board shall consider the following guides and standards in reviewing the petition: the appropriateness of the location of the NT District as evidenced by the General Plan for Howard County; the effect of such District on properties in the surrounding vicinity; traffic patterns and their relation to the health, safety and general welfare of the County; the physical layout of the County; the orderly growth of the County; the availability of essential services; the most appropriate use of the land; the need for adequate open spaces for light and air; the preservation of the scenic beauty of the County; the necessity of facilitating the provision of adequate community utilities and facilities such as public transportation, fire fighting equipment, water, sewerage, schools, parks and other public requirements, population trends throughout the County and surrounding metropolitan areas and more particularly within the area considered; the proximity of large urban centers to the proposed NT District; the road building and road widening plans of the State and County, particularly for the area considered; the needs of the County as a whole and the reasonable needs of the particular area considered; the character of the land within the District and its peculiar suitability for particular uses; and such other matters relevant and pertinent to the relationship of the District to the comprehensive zoning plan of the area.

The petition shall be granted only if the Zoning Board affirmatively finds:

- a. That the petition complies with the provisions of these Regulations;
  - b. That a New Town District should be located at the proposed site; and
  - c. That the Preliminary Development Plan constitutes a general land use plan for the area covered thereby, designed to meet the objectives set forth in these Regulations.
4. If the petition is granted, the Zoning Board shall by Decision and Order approve the Preliminary Development Plan and shall create a New Town District covering all of the land included in the petition. If the proposed NT District contains more than 2,500 acres, the creation of the District may be accomplished by rezoning all of the land included in the petition at one time or, in the discretion of the Zoning Board, by rezoning the same in phases. If this latter course is taken:
    - a. The area included in the first such phase shall be at least 2,500 acres, and each additional phase shall be of such size and at such location or locations as will permit effective and economic development of the portion so zoned as a part of the New Town shown on the Preliminary Development Plan; and
    - b. The overall density restrictions, the density restrictions as to particular use areas, and the restrictions as to the maximum and minimum areas devoted to particular uses shall be applied with respect to the entire area shown on the Preliminary Development Plan and not merely with respect to the area of the phase so zoned.
  5. If the petition is granted as above provided:
    - a. A copy of the Preliminary Development Plan shall be certified as approved by the Zoning Board and a verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner;
    - b. No further permanent improvements involving any new primary uses shall thereafter be erected on and no new primary uses made of, any part of the land within the new NT District prior to the approval of the Final Development Plan (or the phase thereof covering such development) as hereinafter provided, except for such as may be specifically approved by the Planning Board, but the petitioner shall discontinue any such

use and demolish any such improvements so permitted by the Planning Board if such use and such improvements are not ultimately permitted by the Final Development Plan.

6. If the Zoning Board has approved a petition to create a NT District, then at any time thereafter the original petitioner may file a new petition to add to the NT District additional land which is owned by the petitioner and adjacent to the existing NT District. The new petition shall be subject to all the provisions of this Section, except that the minimum area requirement of Section 125.A.3 shall not apply.

**C. Comprehensive Sketch Plan and Final Development Plan**

1. Within 30 days following notification of the approval of the Preliminary Development Plan, the petitioner shall notify the Planning Board of the target date for the presentation to the Planning Board of a proposed Final Development Plan of the NT District, or of the first phase of a proposed Final Development Plan, if the petitioner desires to develop the NT District in separate geographical segments.
2. Promptly following the giving of such notice to the Planning Board, the petitioner shall commence the preparation of a proposed Final Development Plan. The Final Development Plan process shall be initiated by the filing with the Department of Planning and Zoning for Planning Board approval of a Comprehensive Sketch Plan for that geographical phase of the NT District which the petitioner elects to develop.
3. As used herein, the term "Comprehensive Sketch Plan" shall mean a drawing or series of drawings, at an appropriate scale, of generally either one inch equals 200 feet or one inch equals 100 feet, setting forth:
  - a. The approximate boundaries and approximate acreage for each of the proposed land uses in sufficient detail to graphically illustrate the application of the adopted master final development plan criteria to the area encompassed by the Comprehensive Sketch Plan.
  - b. The location of all existing and proposed public streets, roads, and utilities.
  - c. The location of open space within which recreational, school, park and other public or community uses are permitted.
  - d. Text material (criteria) regulating the following:
    - (1) The general locations for all structures.
    - (2) The permitted "general use" or "specific use" as hereinafter defined, for each land use area, except that no uses shall be specified which are permitted only in R-MH or M-2 Districts.

Where the criteria designate the use for a particular structure, lot or parcel, as "uses permitted in a District" (e.g., "uses permitted in a B-1 District"), then the structure, lot or parcel may be used for all uses permitted in the particular district by the several sections of these regulations, the use so designated being herein referred to as a "general use."

Where, however, the criteria designate a structure, lot or parcel for a specific use or uses (e.g., "gasoline station") the structure, lot or parcel must be used for those specific uses only, the use(s) so designated being herein referred to as "specific use(s)."

- (3) Height limitations, parking requirements, front, side and rear yard areas, setback provisions, minimum lot sizes and coverage requirements, stated generally and/or specifically with respect to particular improvements or types of improvements.
- 4. The Planning Board shall hold a public hearing prior to the approval of a Comprehensive Sketch Plan under the following conditions:
  - a. If the Comprehensive Sketch Plan includes land which borders on property not within the New Town District (unless the owners of all lands abutting the New Town District land covered by the Comprehensive Sketch Plan shall sign a written waiver of the right to be heard in connection with the request for approval of said plan).
  - b. If the Comprehensive Sketch Plan deviates from the approved Preliminary Development Plan in any of the following particulars:
    - (1) If the overall maximum density of population within the NT District exceeds that stated in the Preliminary Development Plan; or
    - (2) If the number of acres to be devoted to the permitted employment uses shall be increased more than 10 percent, or the number of acres to be devoted to permitted residential uses shall be decreased by more than 10 percent, from that stated in the Preliminary Development Plan; or
    - (3) If the proposed Comprehensive Sketch Plan shows a use of land in the NT District within 300 feet of any outside boundary thereof which differs from that shown on the Preliminary Development Plan, unless the owners of all land abutting the NT District and within 300 feet of the land in the NT District, the use of which is to be changed, sign a written waiver of the right to be heard in connection with such change in use.

If a public hearing is required to be held for any of the above three deviations from the Preliminary Development Plan, such hearing shall be limited to the particular deviation(s) which required the hearing, and the Planning Board shall require publication of Notice of Hearing and posting of the property.
  - c. If the criteria submitted as a part of the Comprehensive Sketch Plan include a gasoline service station among the specified land uses.
- 5. In acting upon a Comprehensive Sketch Plan, the Planning Board shall be guided by Section 125 of these Regulations and shall particularly consider:
  - a. The adequacy of the roads serving the proposed development and any proposed mitigation, in accordance with the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code).
  - b. The location and adequacy of public utility and community facilities, including recreational uses and school properties, in relation to the density and distribution of population.
  - c. The location, extent and potential use of open space in the form of greenbelts, walkways, parkways, park land, etc., as it affects the general amenity of the community.

- d. The impact of the proposed commercial and industrial uses on the residential uses within the NT District or adjacent thereto.
6. After review of the material submitted in light of the General Plan, and after carefully considering public agency comments, petitioner's testimony, public hearing testimony and the factors set forth in Section 125.C.5 above, the Planning Board shall:
  - a. Approve the Comprehensive Sketch Plan as submitted by the petitioner; or
  - b. Approve the Comprehensive Sketch Plan as changed by the Planning Board; or
  - c. Reject the Comprehensive Sketch Plan in its entirety.
7. The Planning Board shall not unreasonably disapprove or change a proposed Comprehensive Sketch Plan. The fact that the proposed Comprehensive Sketch Plan is not in conformity with the Preliminary Development Plan shall be sufficient ground for disapproval or change. The Planning Board shall approve no Comprehensive Sketch Plan which varies the areas of uses below the minimum or above the maximum percentages for particular uses specified herein.
8. Upon approval of a Comprehensive Sketch Plan, the petitioner may submit a Final Development Plan to the Department of Planning and Zoning for approval by the Planning Board covering all or a portion of the land covered by the Comprehensive Sketch Plan.

The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.
9. The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan.
10. At the time of the approval of the Final Development Plan, the Planning Board may provide for the subsequent approval by it of a Site Development Plan pertaining to the property which is the subject matter of such Final Development Plan. Such subsequent approval shall not be a condition precedent to the approval and recordation of the Final Development Plan with respect to which a Site Development Plan is to be submitted, but shall be in addition to any administrative approvals required by the Subdivision and Land Development Regulations. Land use decisions made by the Planning Board as part of the approval of a Final Development Plan shall not be subject to review or further consideration as part of the subsequent Site Development Plan process.
11. In applying the provisions of this Section, where the proposed Final Development Plan is submitted in phases, the overall population density and the acres devoted to particular uses shall be recomputed by the Department of Planning and Zoning upon the consideration of each successive phase of proposed Final Development Plan so as to include all prior phases, but in making these recomputations, the gross area of the entire NT District covered by the Preliminary Development Plan shall be considered and not merely the area of the segments covered by the prior phases of the proposed Final Development Plan and the current phase being submitted for approval.
12. If the Planning Board shall disapprove the proposed Final Development Plan (or any phase thereof) or shall fail to approve or disapprove the same within 60 days after submission, then the

- petitioner, at his election, may take an appeal as permitted by law or may submit the proposed Final Development Plan (or the phase thereof in question) directly to the Zoning Board. If the petitioner pursues the latter course, the Zoning Board shall hold a public hearing on the proposed Final Development Plan (or the phase thereof in question), shall require publication and posting of the property and shall ask for recommendations from the Planning Board, all as in the case of the hearing on the Preliminary Development Plan. After such hearing, the Zoning Board may approve, with or without changes, or disapprove the proposed Final Development Plan (or the phase thereof in question). In making this decision, the Zoning Board shall consider the matters set forth herein.
13. Upon approval of the Final Development Plan (or upon the approval of each phase thereof if submitted on a separate segment basis) the same shall be recorded among the Land Records of Howard County and the provisions thereof as to land use shall bind the property covered with the full force and effect of specific Zoning Regulations. After such recordation, no new structure shall be built, no new additions to existing structures made, and no change in primary use effected different from that permitted in the Final Development Plan except by an amendment to the Final Development Plan.
  14. If construction has not been commenced and completed to the extent of 25 percent of the ground floor area of a structure shown on the Final Development Plan within five years after the date of the approval thereof (or the date of the approval of the last phase thereof if submitted in phases), then the approval shall be void and the entire matter resubmitted to the Planning Board for reconsideration in light of existing circumstances to the same extent as if the same were simply a proposed Final Development Plan; provided, however, that the Zoning Board may grant not more than two extensions of time of one year each to be added to said five year period if it considers such extension to be proper after the receipt and consideration of a report and recommendation from the Planning Board with respect to such extension or extensions.
  15. Any construction which has been commenced shall not be subject to reconsideration upon any resubmission of a Final Development Plan under this Section, and the Zoning Board shall make no changes in the Final Development Plan except in relation to areas where construction has not been commenced. During any such reconsideration the property covered by the Final Development Plan shall continue to be bound until such Plan is changed or disapproved in the manner described above.
  16. If the Planning Board has denied a land use which was shown on a Final Development Plan and which would be a conditional use in any other zoning district, a petition for the same land use on the same parcel shall not be accepted for consideration by the Planning Board for a period of 12 months from the date of said denial except on grounds of new evidence or proof of changed conditions found to be valid by the Planning Board.

**D. Amendments to a Comprehensive Sketch Plan or Final Development Plan**

**1. Amendments Submitted by Original Petitioner**

Except as allowed by Sections 125.D.2 and 125.E.3 below, only the original petitioner for the New Town District may propose amendments to an approved Comprehensive Sketch Plan or Final Development Plan. A proposed amendment shall be reviewed in accordance with Section 125.C above.

**2. Additional Uses on Individual Lots in Residential Land Use Areas**

Within areas designated on a Comprehensive Sketch Plan for residential land use, any property owner may propose amendments to the Final Development Plan to allow a particular use on his or



her property which is not allowed by the Final Development Plan criteria. No amendment shall be proposed which would either alter the land use designation established by the Comprehensive Sketch Plan or allow an increase in residential density. The proposed amendment shall be considered in accordance with the following procedures:

- a. The property owner shall submit the number of copies of the complete Final Development Plan as required by the Department of Planning and Zoning, with the proposed criteria amendments clearly noted on each copy, accompanied by an explanation of the request.
- b. The proposal shall be considered by the Planning Board at a public hearing.
- c. The Planning Board shall approve, approve with modifications or deny the proposed amendments to the Final Development Plan, stating the reasons for its action. The Planning Board shall approve the request only if it finds that:
  - (1) The use is consistent with the land use designation of the property as established on the recorded Final Development Plan and compatible with existing or proposed development in the vicinity.
  - (2) The use will not adversely affect vicinal properties.
- d. If the use is approved:
  - (1) The Planning Board may provide for the subsequent approval by it of a Site Development Plan for the property which is the subject of the proposal; and
  - (2) Revised text for the Final Development Plan indicating the additional allowed use of the particular property shall be submitted by the applicant and recorded in the Land Records of Howard County.

#### **E. Site Development Plans**

##### **1. Planning Board Approval**

If the Planning Board reserved for itself the authority to approve a Site Development Plan for an area, no permit shall be issued for any use until the Site Development Plan is approved by the Planning Board. The Site Development Plan shall be considered at a public meeting, except where a public hearing is required by Section 125.E.3 below.

##### **2. Minor Additions and Modifications**

Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

##### **3. Minor Projects Not Requiring Planning Board Approval:**

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).

- c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
  - d. Clearing or grading that does not exceed 5,000 square feet in area.
  - e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
  - f. Similar minor modifications as determined by the Department of Planning and Zoning.
4. Adjustments to Bulk Regulations for Individual Lots
- Upon the request of the owner of a particular lot, the Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for such lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:
- a. A public meeting shall be held on the site development plan requiring the adjustment. If no site development plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting.
  - b. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
  - c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property that is the subject of the application shall be posted with the date, time, and place of the meeting for at least 15 days immediately before the public meeting.
  - d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
    - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
    - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
  - e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.



## **SECTION 126: PGCC (Planned Golf Course Community) District**

### **A. Purpose**

The Planned Golf Course Community District is established to permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50 percent of the district as open space. It is the purpose of the PGCC District to integrate recreational uses, including at least two eighteen-hole golf courses, with residential development and to provide a variety of housing choices.

### **B. Uses Permitted as a Matter of Right**

There shall be two subdistricts in the PGCC District: The PGCC-1 or Residential Subdistrict and the PGCC-2 or Multi-use Subdistrict. Delineation of the subdistrict boundaries shall be determined by the Zoning Board and shall be shown on the zoning map of Howard County.

1. The following uses shall be permitted as a matter of right in both the Residential Subdistrict and in the Multi-use Subdistrict.
  - a. One single-family detached unit per lot.
  - b. One zero lot line unit per lot.
  - c. Single-family attached dwelling units.
  - d. Apartment units.
  - e. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
  - f. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
  - g. Government buildings, facilities and uses, including public schools and colleges.
  - h. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within condominium developments or within communities with recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - i. Golf courses and country clubs.
  - j. Riding academies and stables.
  - k. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
  - l. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
  - m. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.
  - n. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4.
  - o. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
  - p. Volunteer fire departments.
2. Multi-use Subdistrict  
The following uses shall be permitted only in the Multi-use Subdistrict.

- a. Ambulatory health care facilities.
- b. Animal hospitals, completely enclosed.
- c. Antique shops, art galleries and craft shops.
- d. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions.
- e. Bicycle repair shops.
- f. Blueprinting, printing, duplicating or engraving services limited to 2000 square feet of net floor area.
- g. Catering establishments and banquet facilities.
- h. Child day care centers.
- i. Clothing and apparel stores with goods for sale or rent.
- j. Convenience stores.
- k. Day treatment and care facilities.
- l. Drug and cosmetic stores.
- m. Executive golf training and recreation centers.
- n. Farmers markets and farm produce stands.
- o. Food stores, each not to exceed a gross floor area of 18,000 square feet, including a bakery, provided all goods baked on the premises shall be sold retail from the premises.
- p. Funeral homes.
- q. Health clubs, tennis clubs, athletic centers, commercial or community swimming pools.
- r. Hotels, motels, conference centers and country inns.
- s. Laundry and dry cleaning establishments without delivery services.
- t. Liquor stores.
- u. Museums, art galleries and libraries.
- v. Nonprofit clubs, lodges and community halls.
- w. Nursing homes, group care facilities, housing for elderly or handicapped, children's homes and similar institutions, and their related and supporting facilities.
- x. Offices, professional and business.
- y. Personal service establishments, such as barber shops, beauty shops, opticians, photographers, tailors.
- z. Pet grooming establishments.
- aa. Private parks, swimming pools, playgrounds, athletic fields, tennis courts, basketball courts, and similar private, noncommercial recreational facilities.
- bb. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry and similar items.
- cc. Restaurants, carryout.
- dd. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
- ee. Schools, private academic, including colleges and universities.
- ff. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, data processing services.
- gg. Specialty stores.

### **C. Accessory Uses**

- 1. The following are permitted as accessory uses to residential uses in the PGCC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.
  - a. Any use normally and customarily incidental to any use permitted as a matter of right.

- b. Accessory apartments, provided that:
    - (1) The area of the lot is at least 12,000 square feet.
    - (2) Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment.
    - (3) The accessory apartment shall have no more than two bedrooms.
  - c. The housing by a resident family of:
    - (1) Not more than four non-transient roomers or boarders; or
    - (2) Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
    - (3) A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
  - d. Home occupations, subject to the requirements of Section 128.C.1.
  - e. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection c.(2) above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
  - f. Parking:
    - (1) Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
    - (2) Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.D.7.
  - g. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
    - (1) One recreational vehicle with a length of 30 feet or less; and
    - (2) One boat with a length of 20 feet or less.
  - h. Farm produce stand, not to exceed 300 square feet in floor area, for the retail sale of crops, produce, flowers, livestock and poultry products, etc, grown or produced on the lot or by the owner of the lot on which such structure is located. Appropriate on-site parking spaces shall be provided.
  - i. Snowball stands, subject to the requirements of Section 128.D.5.
2. The following are permitted as accessory uses to nonresidential uses in the PGCC District:
- a. Any use normally and customarily incidental to any use permitted as a matter of right.
  - b. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. For all uses, the following maximum limitations shall apply.
  - a. Height
    - (1) Principal Structures:
      - (a) Single family detached ..... 34 feet
      - (b) Single family attached ..... 34 feet  
except units with gable, hip or gambrel roofs ..... 40 feet
      - (c) Apartment buildings in Residential Subdistrict ..... 40 feet
      - (d) Apartment buildings in Multi-use Subdistrict ..... 80 feet
      - (e) Commercial structures ..... 120 feet
      - (f) Other ..... 15 feet
      - (g) Accessory structures ..... 15 feet
  - b. Lot coverage for structures within single-family attached projects developed with one dwelling unit per lot ..... 60 percent
  - c. Density
    - (1) For PGCC District ..... 2.0 dwelling units per gross acre of the PGCC District
    - (2) For Residential Subdistrict ..... 1.75 dwelling units per gross acre
  - d. Maximum units per structure
    - (1) Single-family attached dwelling units ..... 8 units per structure
    - (2) Apartments less than 40 feet in height ..... 24 units per structure
    - (3) Apartments 40 feet or greater in height ..... 120 units per structure
  - e. Building length – residential structure ..... 120 feet

However, the Planning Board may approve a greater length, up to a maximum of 300 feet, based on a determination that the design of the building will mitigate the visual impact of the increased length.

**E. Other Provisions**

1. No less than 5 percent and no more than 12 percent of the total net acreage of land in the PGCC District shall be non-residential or non-open space.
2. Open Space

At least 50 percent of the PGCC District shall be devoted to open space or golf course uses, and at least two eighteen-hole golf courses shall be provided. Open space and golf course uses shall be arranged so that each sub-district shall include at least 15 percent open space including landscaped areas.
3. The minimum district size shall be 500 contiguous acres. For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be contiguous, but such items shall not be included in determining the minimum area of the district.

4. Additional bulk and design regulations including, but not limited to, lot sizes, building setbacks, parking requirements, height and coverage requirements for non-residential uses, minimum lot widths, distances between buildings, and landscaping requirements shall be specified as part of the Final Development Plan. Bulk regulations specified in the Final Development Plan shall be in addition to the requirements of Section 126.D.
5. The provisions of Section 128 (Supplementary Zoning District Regulations) and Section 133 (Off-Street Parking and Loading Facilities) shall apply in the PGCC District unless different requirements are specifically approved in the Final Development Plan.
6. Connection to the public water facilities shall be made when the Howard County Department of Public Works determines that such public facilities are available to the property.

**F. Final Development Plan and Comprehensive Sketch Plan**

1. No development of land in the PGCC District shall be permitted until a Final Development Plan has been approved by the Planning Board and the same recorded among the Land Records of Howard County.
2. The Final Development Plan process shall be initiated by the submission of a Comprehensive Sketch Plan for approval by the Planning Board.
  - a. As used herein, the term "Comprehensive Sketch Plan" shall mean a drawing, or series of drawings, at an appropriate scale generally either one inch equals 200 feet or one inch equals 100 feet setting forth:
    - (1) Existing topography and major drainage areas;
    - (2) The general location of points of access to the site;
    - (3) The availability and adequacy of public utilities;
    - (4) The method of assuring that the open space areas, including the golf courses, will be permanently maintained and devoted to open space uses;
    - (5) The approximate boundaries and approximate acreage for proposed land use areas, including single-family detached, attached, apartment, employment, and retail areas;
    - (6) The proposed location of all public streets and open space; and
    - (7) Text material (criteria) covering the following:
      - (a) Permitted uses within each land use area, drawn from the uses listed in Section 126.B.
      - (b) Bulk regulations including but not limited to densities within residential land use areas, lot sizes, lot width, building coverage, setbacks, distances between buildings, and height limitations, stated either generally or specifically with respect to particular improvements or types of improvement,
      - (c) Landscaping requirements,
      - (d) Screening requirements for outside storage of merchandise, material or equipment, and
      - (e) Other requirements for the proposed development.
3. The Planning Board, before acting upon the Comprehensive Sketch Plan, shall receive comments thereon from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
4. In acting upon the Comprehensive Sketch Plan, the Planning Board shall consider the following factors:



- a. Whether the plan is consistent with the Howard County General Plan;
  - b. Whether the plan results in an appropriate arrangement of land uses within the district;
  - c. Whether the relationship between the location of proposed dwelling units, required open space, landscape design requirements, setback requirements and existing dwelling units on adjoining properties is such that the existing dwelling units will be buffered from the proposed development;
  - d. Whether the roads serving the PGCC District will be adequate, as determined by the capacity and mitigation standards of the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code);
  - e. Whether necessary water and sewer facilities are available to serve the proposed development; and
  - f. Any other factors which affect the orderly growth of the County.
5. After carefully considering agency comments, public hearing testimony, petitioner's testimony, and the above factors, the Planning Board shall approve, approve with modifications and/or conditions, or disapprove the Comprehensive Sketch Plan, stating the reasons for its action.
  6. Upon approval of a Comprehensive Sketch Plan, the petitioner may submit a Final Development Plan for approval of the Planning Board covering all or a portion of the land covered by the Comprehensive Sketch Plan. The drawings shall delineate the various land use areas by metes and bounds. The text (criteria) shall be that approved by the Planning Board as a part of the Comprehensive Sketch Plan.
  7. The Final Development Plan shall be considered by the Planning Board at a public meeting after having received comments from the various review agencies.
  8. For any type of land use other than single-family detached residences, the Planning Board may, at the time of the approval of a Final Development Plan, require the subsequent approval by it of a Site Development Plan for the property which is the subject of the Final Development Plan. However, the Site Development Plan shall not alter any land uses as set forth in the Final Development Plan.
  9. Approval of the Final Development Plan by the Planning Board and recordation thereof among the Land Records of Howard County and the provisions of said Final Development Plan, shall bind the lands covered by the Final Development Plan with the full force and effect of specific zoning regulations. After such recordation, no new structure shall be built, no new additions to existing structures made and no change in primary use made different from that permitted in the Final Development Plan, except by an amendment of the Final Development Plan according to the process established herein for the approval of Final Development Plans.

**G. Amendments to a Comprehensive Sketch Plan or Final Development Plan**

1. The developer of a PGCC development may propose revisions to a previously approved Comprehensive Sketch Plan or Final Development Plan, provided that the entire Comprehensive Sketch Plan, with revisions, is submitted for review.
2. Any proposed addition or amendment to the Comprehensive Sketch Plan or Final Development Plan shall be reviewed in accordance with Section 126.F above.

## H. **Approval of the Site Development Plan by the Planning Board**

### 1. **Planning Board Approval**

- a. Planning Board approval of a Site Development Plan is required if the Board reserved that authority when approving the Final Development Plan. However, Planning Board approval shall not be required for Site Development Plans for single-family detached dwellings.
- b. A Site Development Plan submitted for approval must conform to the recorded Final Development Plan for the PGCC District.
- c. The Planning Board, before acting upon the Site Development Plan, shall hold a public meeting and shall give consideration to the guides and standards listed in Section 126.F.4 and to the following:
  - (1) The locations, layout and adequacy of parking, loading and unloading facilities.
  - (2) The Site Development Plan shall not be approved unless water facilities and public sewerage facilities have been approved by all required county, state and federal agencies. In instances where a connection will not be made initially to a public water facility, provisions must be made in the initial Site Development Plan to provide for a connection to public water facilities when they become available, and to require periodic monitoring of the safety and adequacy of the groundwater in the PGCC District and surrounding areas by the appropriate state and county health agencies during the period of private water facility utilization.
- d. After carefully considering the above guides and standards, including the approved Comprehensive Sketch Plan, the Planning Board shall approve, approve with modifications and/or conditions attached, or disapprove the Site Development Plan, stating the reasons for its action.

### 2. **Minor Additions and Modifications**

Minor additions and modifications to approved Site Development Plan meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

Minor projects not requiring Planning Board approval:

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
- c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
- d. Clearing or grading that does not exceed 5,000 square feet in area.

- e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
  - f. Similar minor modifications as determined by the Department of Planning and Zoning.
3. Adjustments to Bulk Regulations for Individual Lots
- The Planning Board may approve parking, setback, height, lot coverage, or other bulk requirements for a particular lot or parcel which differ from those required by the applicable Final Development Plan, in accordance with the following procedures:
- a. If the adjustment is requested as part of a Site Development Plan for a nonresidential property or for the initial development of an unimproved residential property, a public meeting shall be required.
  - b. If an adjustment is requested for an addition or alteration to a developed residential property, a public hearing shall be held on the Site Development Plan requiring the adjustment. If no Site Development Plan is required for the proposed improvements, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public hearing.
  - c. A Site Development Plan or plot plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
  - d. The requested adjustment to the parking or bulk requirements shall be granted if the Planning Board finds that:
    - (1) The adjustment will not alter the character of the neighborhood or area in which the property is located, will not impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare; and
    - (2) The adjustment a) is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the Final Development Plan; and/or b) results in better design than would be allowed by strict compliance with the development criteria.
  - e. The Planning Board may approve, approve with conditions, or deny a requested adjustment.

#### **I. Conditional Uses**

The following are conditional uses in the PGCC District, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

- 1. Communication Towers or Antennas (Commercial)
- 2. Home Occupations
- 3. Utility Uses, Public

## **SECTION 127: MXD (Mixed Use) Districts**

### **A. Purpose**

The Mixed Use Districts are established to permit flexible and efficient use of large parcels at key locations by combining housing, employment, local commercial and open space uses in accordance with a unified design. Appropriate locations for the MXD Districts will be characterized by availability of public utilities, good access to collector or arterial highways, and potential access to public transit facilities. The phasing of development in the MXD Districts is to be concurrent with the phasing of required road improvements and is to result in a mix of land uses at the earliest feasible stage of development.

The MXD Districts provide for well designed communities which are compatible with surrounding neighborhoods and protective of the natural elements of the landscape. A Mixed Use Development is intended to include a planned network of open space which includes environmental areas, recreation areas, and public plazas or squares; a diversity of housing types at medium to high densities; and convenient pedestrian access between uses.

Two MXD Districts are established: the MXD-3 and MXD-6 Districts. The two districts allow differing intensities of land use in order to ensure that mixed use developments are compatible with surrounding land uses.

A Mixed Use Development shall contain at least one focal point: an area of diverse, integrated land uses, designed to create a distinct focus for the development. Focal points should be scaled and oriented to pedestrian movement and should incorporate public transit access if available.

The MXD District regulations promote and allow planning innovation and design flexibility. Each plan submission for an MXD District must incorporate design considerations at an appropriate level of detail for the submission stage. A public hearing is required at the Preliminary Development Plan and Comprehensive Sketch Plan stages of the plan review process, to ensure adequate opportunity for public comment.

In order to allow appropriate uses prior to the approval of a Mixed Use Development, the MXD-3 and MXD-6 Districts are Overlay Districts. Uses allowed in the underlying district may be established prior to the approval of a Preliminary Development Plan for Mixed Use Development.

### **B. General Provisions**

1. An MXD District must be approved by the Zoning Board prior to the submission and consideration of the Preliminary Development Plan and Criteria for that district required by this section. (Amended Council Bill No. 14 (ZRA-23), effective 8/19/99).
2. The minimum size of any MXD District shall be 25 contiguous acres. The maximum size of an MXD-6 District shall be 75 contiguous acres. Land which is divided by utility rights-of-way or street rights-of-way shall be considered contiguous for purposes of Section 127.
3. Development within the MXD Districts shall be guided by a Preliminary Development Plan and Preliminary Development Criteria approved by the Zoning Board in accordance with the procedures established in Section 127.D. Except as allowed by Section 127.B.4 below, no development shall occur within an MXD District prior to approval of the Preliminary Development Plan.

4. Prior to approval of a Preliminary Development Plan, use or development of MXD-zoned land shall be subject to all regulations applicable to the underlying zoning district. After a Preliminary Development Plan is approved, existing uses which were established pursuant to the underlying zoning district may continue. Such uses shall not be expanded to occupy additional land area, and principal structures related to such uses shall not be constructed or expanded. No new principal use shall be established after a Preliminary Development Plan is approved except in accordance with the Preliminary Development Plan and the requirements of the MXD-3 or MXD-6 District provided, however, an amendment to the preliminary development plan shall not prevent development in accordance with the original preliminary development plan and/or prior approved amendments thereto, until the current amendment is implemented with development.

**C. Requirements for Mixed Use Development**

The requirements given below apply to land in the MXD-3 and MXD-6 Districts at the Preliminary Development Plan stage and subsequent stages of plan processing and development.

**1. Water and Sewer Service**

All development shall be served by public water and public sewer.

**2. Minimum Area of Preliminary Development Plan**

The area encompassed by a Preliminary Development Plan is referred to in these regulations as a Mixed Use Development. An MXD District may be developed as one or more Mixed Use Developments, subject to the following:

- a. The first Preliminary Development Plan approved for an MXD District must encompass at least 40 percent of the area of all contiguous MXD-zoned parcels or at least 25 acres, whichever is greater. Subsequent Preliminary Development Plans by a different petitioner for the same MXD District must encompass at least 25 acres. A petition to amend the plan for an existing Mixed Use Development may add areas of any size to the Mixed Use Development.
- b. Where there are two or more contiguous MXD-zoned lots or parcels under single ownership, the Preliminary Development Plan shall include the petitioner's entire contiguous acreage.

**3. Proportions of Uses**

- a. Each Mixed Use Development shall provide the following land uses in the following proportions. The term "Mixed Use Development" refers to all land shown on one Preliminary Development Plan.

<u>Land Use</u>	<u>Minimum % of Gross Area of Mixed Use Development</u>
Open Space	35%
Residential	20%
Employment	15%

- b. Areas of a Mixed Use Development in which residential and employment uses are mixed within a single site or building may be used to satisfy the minimum percentage requirements, based on the projected proportions of building area (e.g., if 30% of the floor area of buildings will be devoted to residential use, then 30% of the site acreage shall be applied to residential land use acreage.)

- c. The first Mixed Use Development approved within an MXD District shall include at least one focal point which shall have an integrated mix of land uses. The focal points may include land uses such as office and/or residential buildings, retail stores and services, civic or public uses, open space, including features such as plazas, squares, or other useable landscaped areas. Subsequent Mixed Use Developments within the same MXD District are not required to have a focal point, however, the land-use mix for all MXD Developments must cumulatively meet the requirements of Section 127.C.3.a.
- d. The Preliminary Development Plan for a Mixed Use Development shall include a staging plan establishing the timing or sequence of development. The staging plan shall establish the earliest reasonable time frame for the recordation of subdivision plats for a proportionate mix of land uses. Staging should take into consideration: extension of water and sewer service; efficient use of road network capacity; and the market for residential and employment uses.  
  
The staging plan shall allow no more than 50 percent of the acreage designated for residential land use to be recorded prior to commencing plat recordation for employment areas. After plats have been recorded for half of the designated residential acreage, each succeeding stage of development must make substantial progress toward recording the approved mix of land uses.
- e. Recorded open space parcels must always constitute at least 35 percent of the total recorded land within a Mixed Use Development. At least 10 percent of the gross open space shall be usable for active recreation facilities. Active recreation facility includes but is not limited to ballfields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system.  
(Amended Council Bill No. 14 (ZRA-23), effective 8/19/99).

#### 4. **Permitted Uses**

- a. The use of land in a Mixed Use Development shall be limited to the permitted uses specified in the approved Preliminary Development Plan and Preliminary Development Criteria. The uses permitted by the Preliminary Development Plan shall be limited to the uses listed in this Subsection and shall comply with the restrictions given in Subsections 5 through 9 below. The permitted uses allowed by the Preliminary Development Plan may be limited to a portion of the uses listed below.
- b. For Mixed Use Developments larger than 75 acres, the permitted uses shall be drawn from the following list:
  - (1) Uses permitted as a matter of right in the POR, B-1 and M-1 Districts.
  - (2) One single-family detached dwelling unit per lot.
  - (3) One zero lot line dwelling unit per lot.
  - (4) Single-family attached dwelling units.
  - (5) Apartments.
  - (6) Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - (7) Two-family dwellings.
  - (8) Cemeteries, mausoleums and crematoriums.
  - (9) Country clubs and golf courses.

- (10) Fast food restaurants.
  - (11) Gasoline service stations, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board and criteria for the use are specified in the Preliminary Development Criteria approved by the Zoning Board. A Site Development Plan for a gasoline service station shall be subject to Planning Board approval in accordance with Section 127.G. (Amended Council Bill No. 14 (ZRA-23), effective 8/19/99)
  - (12) Movie theaters, legitimate theaters, dinner theaters.
  - (13) Public utility uses, including substations and commercial communication towers.
  - (14) Other uses, similar to those above, approved by the Zoning Board on the Preliminary Development Plan.
- c. For Mixed Use Developments of 75 acres or smaller, the permitted uses shall be drawn from the following list:
- (1) Uses permitted as a matter of right in the POR and B-1 Districts
  - (2) One single-family detached dwelling unit per lot.
  - (3) One zero lot line dwelling unit per lot.
  - (4) Single-family attached dwelling units.
  - (5) Apartments.
  - (6) Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities may be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
  - (7) Two-family dwellings.
  - (8) Movie theaters, legitimate theaters, dinner theaters.
  - (9) Other uses, similar to those above, approved by the Zoning Board on the Preliminary Development Plan.
- d. Uses permitted only in the R-MH or M-2 District shall not be permitted in the MXD-3 or MXD-6 District.
- e. The Preliminary Development Criteria may specify that particular uses are permitted only if certain stated conditions or criteria are met. The Preliminary Development Criteria shall authorize the Planning Board to determine whether the required conditions or criteria are met following a public hearing, according to the procedures established in Section 127.G.

## 5. **Accessory Uses**

Unless different accessory uses are indicated in the Preliminary Development Criteria, accessory uses shall be as follows.

- a. The accessory use provisions of Section 109 (the R-12 District) shall be applicable to all residential uses in the MXD-3 and MXD-6 Districts.
- b. The accessory use provisions of Section 115 (the POR District) and Section 122 (the M-1 District) shall be applicable to all employment uses in the MXD-3 and MXD-6 Districts.

6. **Residential Density**

- a. The number of dwelling units permitted within a Mixed Use Development shall be as established in the Preliminary Development Plan and Preliminary Development Criteria, but shall be limited to the following density:

<u>Type of MXD District</u>	<u>Maximum Density</u>
MXD-3	3.0 dwelling units per gross acre of the Mixed Use Development
MXD-6	6.0 dwelling units per gross acre of the Mixed Use Development

- b. Moderate Income Housing

- (1) If the allowed residential density established by a Preliminary Development Plan exceeds 2.3 dwelling units per gross acre of the Mixed Use Development or if a provision of moderate income housing is proffered by the Petitioner and made a condition of approval in a Preliminary Development Plan approval by the Zoning Board, then the development shall include moderate income housing units.
- (2) Except as units are proffered as provided in Section 127.C.6.b(1), moderate income housing units shall be provided in the amounts indicated below:

<u>Dwelling Units Per Gross Acre of the Mixed Use Development</u>	<u>Minimum Percentage of Moderate Income Housing Units</u>
More than 2.3 but no more than 2.7	5% of total number of dwelling units
More than 2.7	10% of total number of dwelling units

- (3) When moderate income housing units are proffered as noted above in Section 127.C.6.b(1), the proffered number of units shall be provided.
- (4) The moderate income housing units in the MXD district are to be made available to the following individuals prior to making them available to the general public:
- (a) employees of the development; and
  - (b) All income-eligible Howard County employees and employees of the Howard County Board of Education. [Council Bill 34-2004 (ZRA-49), effective September 8, 2004]
- These individuals must also meet the qualifications of the MIHU program as established in Section 13.400 of the Howard County Code.

- c. The number of apartment dwelling units allowed by a Preliminary Development Plan for a Mixed Use Development in an MXD-3 District shall be limited to no more than 30% of the total number of dwelling units allowed in the development.

7. **Requirements for Employment Uses**

- a. Floor Area Ratio (F.A.R.)

The Preliminary Development Plan and Preliminary Development Criteria shall establish a cap on the total square footage of floor area which may be devoted to employment uses in the Mixed Use Development. The maximum allowed F.A.R., calculated by dividing



the maximum gross floor area by the total net square footage of land area designated for employment land use, shall be limited to the following:

<u>Zoning District</u>	<u>Maximum F.A.R.</u>
MXD-3	0.35
MXD-6	0.50

b. Warehouse and Manufacturing

In Mixed Use Developments larger than 75 acres, warehouses and light manufacturing may be allowed as principal permitted uses, provided that the acreage devoted to such uses shall be no more than 15 percent of the area designated for employment land use. Warehouse and manufacturing uses which are accessory to research and development laboratories shall not be included in the area calculation.

c. Retail Centers

A portion of the employment land in a Mixed Use Development may be used for one or more retail centers which provide opportunity for clusters of retail and service uses. Retail centers shall be subject to the following requirements.

- (1) The general location of retail centers must be established on the Preliminary Development Plan. Uses permitted in retail centers shall be as established in the Preliminary Development Criteria, and may include retail stores, personal service establishments, and similar uses, as well as fast food restaurants and gasoline service stations. Retail centers may be integrated with other uses such as residences, offices and open space.
- (2) Retail centers must be designed to service a community or neighborhood, rather than a regional market.
- (3) For all retail centers in a Mixed Use Development, the total gross floor area which may be used for retail and personal service businesses shall not exceed the following limits:

<u>Zoning District</u>	<u>Gross Acreage of Mixed Use Development</u>	<u>Maximum Retail Floor Area Per Gross Acre</u>
MXD-3	Less than 400 acres	150 square feet
	400 or more acres	300 square feet
MXD-6	Any acreage	250 square feet

The floor area limit shall not apply to retail or service businesses which are permitted accessory uses to a manufacturing, warehousing or office facility. In a retail center which is integrated with other uses, the floor area designed to be devoted to residences, business or professional offices, or institutional uses shall not be included in the floor area limit.

- (4) No single retail center shall contain more than 150,000 square feet of gross floor area designated for use by retail and personal service businesses.

d. Retail Establishments

No individual retail establishment within a MXD-3 or MXD-6 District shall have a gross floor area greater than 65,000 square feet, except as allowed by Paragraph e below.

e. **Redevelopment of Shopping Centers**

To allow the redevelopment of existing shopping centers in the MXD District, such centers shall be permitted to retain or redevelop existing retail and personal service space in an amount not to exceed the existing gross square footage of floor area devoted to such uses, even if the floor area exceeds the limits established in Paragraphs c and d above. Such developments may not add additional space for retail and personal service businesses unless the proposed Mixed Use Development meets the requirements of Paragraphs c and d.

Such Mixed Use Developments shall comply with all other MXD District requirements.

8. **Requirements for Open Space**

Open space lots designated for public uses which require a building or buildings to accommodate the principal use shall constitute a maximum of 30% of the gross acreage of open space within the Mixed Use Development.

9. **Bulk Regulations**

Requirements regarding setbacks, lot coverage, lot sizes, building heights and all other bulk regulations for the MXD District not established in this section shall be established by the Planning Board through approval of a Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria.

10. **Other Requirements**

The provisions of Section 128 (Supplementary Zoning District Regulations) and Section 133 (Off Street Parking and Loading Facilities) shall apply in the MXD-3 and MXD-6 Districts unless different requirements are specifically approved in the Comprehensive Sketch Plan and Development Criteria.

D. **Preliminary Development Plan and Criteria**

1. **Petitions**

A petition for approval of a Preliminary Development Plan and Criteria shall be submitted by person(s) owning an interest in the land included in the plan.

2. **Community Meetings**

Prior to submission of the petition, the petitioner shall make a good faith effort to identify community associations and homeowners associations which represent neighborhoods adjoining the development. The petitioner shall send a notice to the presidents of the associations by certified mail, using the most recent available address. The notice shall include a brief description of the proposed Mixed Use Development and an invitation for the association to meet with the petitioner's representatives to discuss the project.

3. **Submission Requirements**

The Preliminary Development Plan and Criteria shall consist of a generalized plan of the Mixed Use Development, as well as text and other drawings, giving the following information:

- a. The major existing built and environmental features of the site and its immediate environs. Immediate environs shall mean all land within a distance of at least 500 feet from the boundary of the development.
- b. The major planning assumptions and objectives including the projected number of households and number of jobs.
- c. A generalized traffic analysis for the Mixed Use Development in relation to major road improvements proposed in the General Plan, and a plan for the staged recordation of subdivision plats for the Mixed Use Development in relation to the road improvements.
- d. The approximate boundaries and approximate acreage of proposed residential, employment, focal point, and major open space land use areas, and, if applicable, of existing interim land uses which will continue after Preliminary Development Plan approval. The initial Preliminary Development Plan for an MXD District shall include a conceptual land-use master plan for the entire MXD District. This conceptual master plan is not binding on other property owners, but is intended to provide both a probable context for evaluating the initial petition and direction for future petitions.
- e. The general location of proposed retail centers.
- f. The proposed circulation system, including the general location of proposed major roads and points of access to existing roads, and any existing or proposed public transit facilities.
- g. A description of public facilities that will serve the proposed development, including any major public facilities for which land may be provided within the Mixed Use Development.
- h. Preliminary Development Criteria that establish:
  - (1) The maximum allowed density for each residential land use area and the maximum overall density of residential development based on the gross acreage of the Mixed Use Development.
  - (2) The maximum allowed F.A.R. for each employment land use area and the maximum F.A.R. for employment development based on the total net acreage of employment areas.
  - (3) Uses permitted within each land use area. The permitted uses for a specific area of a Preliminary Development Plan may be designated as uses permitted in a specific zoning district, as a list of itemized uses, as one specific use, or any combination thereof.
  - (4) Other requirements for the proposed development.
- i. A vicinity map showing the context of the Mixed Use Development including existing land uses, the off-site road network, parks, streams, and open space corridors.
- j. Proposed ownership and responsibility for maintenance of open space areas.
- k. If the site includes multiple parcels under different ownership, a long term management plan for the development, including identification of the parties responsible for implementing each phase of the Preliminary Development Plan and a description of the legal agreements which will enforce the management plan.

1. Evidence of compliance with Subsection D.2 above, and a report on any meetings held by the petitioner with community associations or homeowners associations for the surrounding neighborhoods.
4. **Subdivision Review Committee (S.R.C.) Review**

The agencies comprising the S.R.C. shall review the Preliminary Development Plan and Criteria and submit comments to the Department of Planning and Zoning. The Director of Planning and Zoning may require the petitioner to submit additional information or analyses, as necessary to allow a thorough evaluation of the proposal, before scheduling a Planning Board meeting. The Department of Planning and Zoning shall review the petition and shall prepare a Technical Staff Report and make a recommendation to the Planning Board. The Technical Staff Report shall include a fiscal impact analysis which compares the projected tax revenue generated by the proposed residential and employment uses to the cost of providing public services and infrastructure for the MXD District. This analysis shall document the cost benefit ratios from the proposed development on an annual basis over 10 and 20 year periods, beginning at the commencement of construction. The Department of Planning and Zoning shall provide the methodology and guidelines for the fiscal impact analysis for County Council review and public testimony within 90 days of the effective date of this act. (Amended Council Bill No. 14 (ZRA-23), effective 8/19/99)
5. **Recommendation of Planning Board**

The Planning Board shall hold a public meeting on the petition and make a recommendation to the Zoning Board, based on the "Criteria for Approval" given in Section 127.D.7 below.
6. **Decision by the Zoning Board**
  - a. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the Preliminary Development Plan and Criteria, stating the reasons for its Decision. The Zoning Board's Decision shall be based on the "Criteria for Approval" given in Section 127.D.7 below.
  - b. If the Petition is approved:
    - (1) The Zoning Board may modify or apply additional requirements to the Preliminary Development Plan or Preliminary Development Criteria, stating the reasons for such action. The Board, in its discretion, may hold such additional hearings on any modifications or additional requirements to the plan as it deems appropriate.
    - (2) Should the Board approve any modifications or additions, then, at the petitioner's request, the Board shall hold a hearing on such modifications or additional requirements. At the conclusion of such hearing, the Board may change any of the modifications or additional requirements. If the petitioner does not accept the final modifications or additional requirements, the petitioner may withdraw the petition without prejudice.
    - (3) A reproducible copy of the Preliminary Development Plan and Criteria, including all text material, shall be provided by the Petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the Petitioner.

## 7. **Criteria for Approval of Preliminary Development Plan**

The Preliminary Development Plan and Criteria shall be approved if the Zoning Board concludes that the plan and criteria, subject to any FINAL modifications required by the Board, will satisfy all of the following criteria:

- a. The plan and criteria will foster orderly growth, integration of uses, and development consistent with the purposes of the MXD District.
- b. The Mixed Use Development will be phased to conform to the phasing of road improvements specified in the General Plan (Chapter Eight: Phased Growth) that are needed to serve the proposed development, including improvements to road links, intersections and interchanges for both State and County roads.
- c. The staging plan establishes the earliest reasonable time frame for development of the focal point and recordation of subdivision plats for a proportionate mix of land uses in accordance with Section 127.C.3.d.
- d. The plan and criteria are consistent with all applicable environmental policies and requirements.
- e. The minimum area, proportions of uses and the density or intensity of development will be consistent with the requirements of Section 127.C.
- f. The relative proportions of residential, employment, and open space uses will be appropriate to the area surrounding the MXD District.
- g. If required, the development will include at least one integrated focal point of sufficient size and variety of land uses to be a distinct focus for the community. A focal point is required only for the first Preliminary Development Plan within an MXD District.
- h. The location of land designated for retail centers is appropriate for retail and personal service uses which will serve the local neighborhood or community.
- i. The development will provide a mix of housing types.
- j. When feasible, public transit facilities and routes will be integrated into the development.
- k. The intensity and scale of land use, as determined by proposed densities, F.A.R. limits and other requirements, will be appropriate in relation to the environmental constraints of the site and the character of existing and planned development in the vicinity of the site.
- l. The development will be compatible with existing and planned vicinal land uses. One or more of the following methods may be used to ensure an appropriate relationship between the Mixed Use Development and surrounding land:
  - (1) Protection and enhancement of a natural feature on the boundary of the Mixed Use Development, such as a forest, wooded stream valley or grade change, to provide a natural edge to the Mixed Use Development.
  - (2) Creation of open space to provide a transition or a connection between the Mixed Use Development and adjacent land uses, including off-site open space areas.
  - (3) Use of an existing or planned major road on the edge of the Mixed Use Development as a separation between different uses.

- (4) Establishment of landscape design concepts applicable to the edges of the MXD District where specified types of land uses abut. Such standards may include the use of vegetation, berms, walls or fences.
- (5) Establishment of setback requirements, accompanied by landscape design standards, along the edges of the Mixed Use Development where different land uses will meet.
- (6) Control of the size of buildings along the edges of the mixed use development through limits on building height, F.A.R. or other requirements.
- (7) Provision of a transition in land uses such that uses on the edge of the Mixed Use Development are similar to adjacent land uses outside the development.

m. The proposed major open space network will accomplish the following:

- (1) Connect, wherever possible, to existing and planned open space adjoining the development.
- (2) Protect major environmental features such as large forest stands or stream valleys; and
- (3) Provide adequate useable land in appropriate locations for parks or recreational facilities. The determination of compliance with this criterion shall be based on a finding that at least 10 percent of the gross open space shall be usable for active recreation facilities. Active recreation facility includes but is not limited to ballfields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system. (Amended Council Bill No. 14 (ZRA-23), effective 8/19/99.)
- (4) Provide appropriate sites for needed public facilities such as schools and libraries.

n. The proposed development will provide housing and jobs within pedestrian access of each other.

#### 8. Amendments to Preliminary Development Plan and Criteria

a. A petition to amend a Preliminary Development Plan or Criteria may be submitted by the persons indicated below:

- (1) A petition to amend either a Preliminary Development Plan or the Preliminary Development Criteria which govern the density of residential development, the allowed F.A.R. for employment areas, or the phasing of development, shall only be submitted by the developer of the Mixed Use Development.
- (2) A petition to add contiguous MXD-zoned land to a Preliminary Development Plan shall be submitted jointly by the owner(s) of the land to be added and the developer of the existing mixed use development.
- (3) A petition to amend the Preliminary Development Criteria to revise the permitted uses within a certain land use area may be submitted by any person(s) owning an interest in land governed by the criteria to be amended. Such a petition shall not change the density of residential development or the land use designation indicated on the Preliminary Development Plan.

b. A petition to amend the Preliminary Development Plan, the Preliminary Development Criteria, or both, shall include the following:

- (1) The Preliminary Development Plan for the entire Mixed Use Development, with any proposed changes clearly indicated; and,
- (2) The complete text of the Preliminary Development Criteria, with any proposed changes clearly indicated.

- c. The petition shall be reviewed in accordance with the procedures established in Section 127.D.4. through 127.D.6. The petition may be approved if the Zoning Board determines that the Mixed Use Development, with the proposed amendments, will:
  - (1) Satisfy the criteria given in Section 127.D.7; and
  - (2) Be characterized by a unified design.

**E. Comprehensive Sketch Plan and Development Criteria**

**1. Community Meetings**

Prior to submission of the Comprehensive Sketch Plan and Criteria, the petitioner shall make a good faith effort to identify community associations and homeowners associations which represent neighborhoods adjoining the development. The petitioner shall send a notice to the presidents of the associations by certified mail, using the most recent available address. The notice shall include a brief description of the proposed Mixed Use Development and an invitation for the association to meet with the petitioner's representatives to discuss the project.

**2. Submission Requirements**

A Comprehensive Sketch Plan shall encompass an area of at least 75 acres, or the entire area shown on the Preliminary Development Plan if the Mixed Use Development is less than 75 acres. The Comprehensive Sketch Plan and Development Criteria shall consist of a plan or series of plans at an appropriate scale, as well as text and drawings, setting forth:

- a. The environmental and landscape features of the site and immediate environs, including topography, steep slopes, forests, streams, floodplains, wetlands, historic sites, cemeteries, and other features. Immediate environs shall mean a distance of at least 200 feet from the boundary of the Mixed Use Development.
- b. The boundaries and acreage of each land use area.

For areas of the mixed use development containing mixed employment and residential land uses, the Comprehensive Sketch Plan shall state the approximate proportions of land uses, expressed in terms of acreage and building floor area.
- c. The location and use of all open space land, including the location of any schools, recreational facilities, and other public uses.
- d. The location of existing and proposed public roads, transit routes, and utilities.
- e. The location of proposed regional storm water management facilities.
- f. The general layout of the pedestrian circulation system, including sidewalks and pathways.
- g. A traffic impact analysis, prepared in accordance with the Howard County Design Manual, and including an analysis of relevant road links, intersections and interchanges indicated in the General Plan which are not subject to the Design Manual analysis requirements. The traffic analysis shall indicate the proposed phasing of development.

- h. Development criteria for each type of land use area. The development criteria shall include the Preliminary Development Criteria approved by the Zoning Board and the following additions:
    - (1) Bulk regulations specifying residential densities, F.A.R. for employment areas, setbacks, lot area, building height, parking requirements and other bulk requirements.
    - (2) Landscaping standards, parking lot design standards and streetscape design standards.
    - (3) The criteria may include more specific use, design or bulk requirements for a particular area.
  - i. A report on any meetings held by the petitioner with community associations or homeowners associations for the surrounding neighborhoods.
3. **Decision by the Planning Board**
- a. Planning Board approval of the Comprehensive Sketch Plan and Development Criteria shall be required. Before acting upon the Comprehensive Sketch Plan and Development Criteria, the Planning Board shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a public hearing.
  - b. The Planning Board may approve, approve with modifications or disapprove the Comprehensive Sketch Plan and Development Criteria, stating the reasons for its action. The Planning Board's decision shall be based on the "Criteria for Approval" given in Section 127.E.3 below.
  - c. The Planning Board may, at the time of approval of the Comprehensive Sketch Plan, require the subsequent approval by it of a Site Development Plan, for any portion of the development or category of land use.
  - d. If the plan is approved, the petitioner shall provide a reproducible copy of the approved Comprehensive Sketch Plan and, on a separate sheet, the development criteria. The plan and criteria shall be certified as approved by the Planning Board.
  - e. Approval of the Comprehensive Sketch Plan and Development Criteria shall bind the lands covered with the full force and effect of specific zoning regulations.

4. **Criteria for Approval of Comprehensive Sketch Plan and Development Criteria**

The Planning Board shall approve the Comprehensive Sketch Plan if it concludes that the plan, subject to any modifications required by the Board, will satisfy the following criteria:

- a. The Comprehensive Sketch Plan and Development Criteria are consistent with the approved Preliminary Development Plan and Preliminary Development Criteria.
- b. The proportions of land use and the density and intensity of development are consistent with the requirements of Section 127.C.
- c. The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan and the schedule for the opening of General Plan road improvements needed to serve the development. General Plan road improvements needed for the development must be:



- (1) Existing;
    - (2) Funded for construction in the current adopted County Capital Improvement Master Plan (CIMP) or Maryland Consolidated Transportation Program (CTP) prior to the acceptance for processing by the Department of Planning and Zoning of the Preliminary Plan of subdivision for that stage, or portion thereof, for which such roads are needed. A funding test shall take place three years prior to the scheduled completion year approved on the Preliminary Development Plan for the applicable section. Provided, however, if a project fails this funding test for the completion year of any stage, the stage of the project failing the funding test shall be tested in each of the next three consecutive years. If the stage of the project passes the funding test in any of those years the Department of Planning and Zoning shall accept for processing the Preliminary Plan of subdivision for that stage. If the stage of the project fails the test in each of those years, it shall be deemed to have passed the funding test in the fourth year and the Department of Planning and Zoning shall accept for processing the Preliminary Plan of subdivision for that stage; or  
(Amended Council Bill No. 14 (ZRA-23), effective 8/19/99)
    - (3) Funded by the petitioner.
  - d. The roads serving the Mixed Use Development will be adequate, as determined by the capacity and mitigation standards of the Adequate Public Facilities Ordinance (Title 16, Subtitle 11 of the Howard County Code.)
  - e. The pedestrian circulation system will provide convenient pedestrian access between employment, residential, commercial, public and open space land uses.
  - f. The open space areas:
    - (1) Create a cohesive network and connect, wherever possible, to existing and planned open space adjoining the development;
    - (2) Protect and, where possible, enhance natural or man-made features such as historic and cultural resources, stream valleys, ponds, wetlands, forests, steep slopes and storm water management facilities;
    - (3) Provide active and passive recreation areas for residents of the Mixed Use Development;
    - (4) Provide useable open space for employment areas; and
    - (5) Are located so as to be accessible to both the residential and non-residential components of the development.
    - (6) At least 10 percent of the gross open space must be usable for active recreation facilities including but not limited to ballfields, indoor sports facilities, play meadows, tot lots, and pedestrian, biking pathway system as determined by the Department of Planning and Zoning. (Amended Council Bill No. 14 (ZRA-23), effective 8/19/99.)
  - g. Effective use is made of the methods described in Section 127.D.7.1 to ensure compatibility with adjoining land uses outside the development.
  - h. The Development Criteria will result in appropriate relationships between land uses within the development.
  - i. Appropriate sites are provided for public facilities.
5. Additions and Amendments to Comprehensive Sketch Plan

- a. The developer of a Mixed Use Development may propose revisions to a previously approved Comprehensive Sketch Plan, provided that the entire Comprehensive Sketch Plan, with revisions, is submitted for review.
- b. If a Preliminary Development Plan is amended to incorporate additional land after a Comprehensive Sketch Plan has been approved for the area of the initial Preliminary Development Plan, a Comprehensive Sketch Plan may be submitted which encompasses only the additional land.
- c. Any proposed addition or amendment to the Comprehensive Sketch Plan or Development Criteria shall be reviewed in accordance with Section 127.E.1 through 127.E.3 above.

**F. Site Development Plan**

1. Approval by the Planning Board

- a. Planning Board approval of a Site Development Plan is required if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan.
- b. The Planning Board shall consider a proposed Site Development Plan at a public meeting, unless a public hearing is required by Sections 127.F.4 and 127.G below.

2. Criteria for Approval of Site Development Plan

The Planning Board shall approve a Site Development Plan if it finds that the plan:

- a. Is consistent with the approved Preliminary Development Plan, Comprehensive Sketch Plan and Development Criteria;
- b. Satisfies the applicable requirements of Section 127.E.3.
- c. Makes effective use of landscaping to provide buffers where needed and to enhance the site design;
- d. Provides squares, plazas, or other useable landscaped areas within apartment developments, office developments or focal points; and
- e. Implements the pedestrian circulation system for the Mixed Use Development.

3. Minor Additions and Modifications

Minor additions and modifications to Site Development Plans approved by the Planning Board and meeting the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not require Planning Board approval. However, all changes of use which require exterior site alterations shall require Planning Board approval.

Minor Projects not requiring Planning Board Approval:

- a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.

- b. Minor new accessory structures if the location does not interfere with existing site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).
  - c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
  - d. Clearing or grading that does not exceed 5,000 square feet in area.
  - e. House-type revisions to approved Site Development Plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
  - f. Similar minor modifications as determined by the Department of Planning and Zoning.
4. Adjustments to Bulk Requirements

The Planning Board may approve parking or bulk requirements for a particular lot or parcel which differ from those required by the applicable development criteria in accordance with the following procedures:

- a. A public meeting shall be held on the site development plan requiring the adjustment. If no site development plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting.
- b. The plan submitted for review shall clearly indicate the requirement from which relief is sought and the requested relief, and shall be accompanied by a written statement explaining the reasons for the requested adjustment.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property which is the subject of the application shall be posted with the date, time and place of the meeting for at least 15 days immediately before the public meeting.
- d. The proposed adjustment shall be granted if the Planning Board finds that:
  - (1) The adjustment is in harmony with the purpose of the MXD District;
  - (2) The adjustment will not alter the essential character of the neighborhood or district in which the lot is located; will not impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
  - (3) The adjustment either:
    - (a) Is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the development criteria; or
    - (b) Results in better design than would be allowed by strict compliance with the Development Criteria.
- e. The Planning Board shall approve, approve with conditions, or deny the requested adjustment, stating the reasons for its actions.

#### **G. Uses Requiring a Public Hearing**

The Preliminary Development Criteria may provide that particular uses are allowed within specified areas of the Mixed Use Development if the Planning Board determines that certain conditions are met. The

Planning Board shall approve a Site Development Plan for such uses only after holding a public hearing and determining that the required conditions are satisfied. The Planning Board shall issue a written decision on such proposals, stating the reasons for its action.

**H. Appeal of Planning Board Decision**

Appeals from decisions of the Planning Board shall be made to the Board of Appeals in accordance with Section 16.900(J)(2) of the Howard County Code.  
(Amended Council Bill No. 87-1996 (ZRA-6), effective 1/7/97)



## **SECTION 127.1: PSC (Planned Senior Community) District**

### **A. Purpose**

The Planned Senior Community District is established to permit the development of housing designed for older adults and elderly persons. This floating district provides opportunity for housing that meets the diverse needs of Howard County's growing senior population. Each Planned Senior Community District will provide independent living units for seniors within either single-family or multi-family dwellings, and may also include assisted living or nursing care facilities. The communities developed within the PSC District will be characterized by careful site planning that allows them to be compatible with eastern Howard County's residential neighborhoods.

### **B. Requirements for Planned Senior Community**

The Planned Senior Community District may be established at a particular location if the following requirements are met:

1. At the preliminary development plan stage and subsequent stages of plan processing and development, the site shall be served by both public water and public sewer.
2. The site has direct access to a collector or arterial road designated in the General Plan.
3. The development shall contain at least 50 dwelling units.
4. The development shall contain at least two of the following types of housing: single-family detached dwellings, single-family attached dwellings, apartments, assisted living facilities, and nursing homes. At least one of the housing types shall be independent single-family or multi-family dwellings.
5. Open space shall constitute at least 35% of the gross acreage of the planned senior community.
6. The community shall include recreation and common areas for residents, including at least pathways and seating areas.
7. At least ten percent of the dwelling units shall be moderate income housing units.
8. At least one on-site community building or interior community space shall be provided that contains a minimum of:
  - a. 20 square feet of floor area per dwelling unit for developments of less than 100 dwelling units, and
  - b. 10 square feet of floor area per dwelling unit above 99.

### **C. Uses Permitted As A Matter Of Right**

1. Age-restricted adult housing
2. Assisted living facilities for residents 55 years of age or older.
3. Nursing homes

**D. Accessory Uses**

1. Services and businesses that serve the residents of the PSC District, including recreational, educational, health, personal, professional and business services and retail stores.
2. Home occupations, subject to the requirements of Section 128.C.1.

**E. Bulk Regulations**

1. Maximum Density ..... 8 dwelling units per net acre  
Assisted living and nursing home beds shall be included in density calculations. One bed equals 0.25 dwelling units.
2. Minimum structure and use setbacks from perimeter of the PSC District:
  - a. From arterial or collector public street right-of-way .....50 feet
  - b. From other public street right-of-way .....30 feet
  - c. From RC, RR, R-ED, R-20, R-12 or R-SC Districts.....50 feet  
Except structures containing apartments,  
assisted living facilities or nursing facilities .....75 feet
  - d. From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC.....30 feet
  - e. If a PSC district is separated from another zoning district by a public street, only the setbacks from a public street right-of-way shall apply.
3. Maximum height shall not exceed:
  - a. Apartments .....60 feet
  - b. Other principal structures .....34 feet
  - c. Accessory structures.....15 feet
4. Requirements regarding lot sizes, setbacks, distances between structures not located on individual lots, building heights and all other bulk regulations for the PSC District not established in this Section shall be established by the Planning Board through approval of a Comprehensive Sketch Plan and Development Criteria, in addition to any requirements imposed by the Zoning Board in the Preliminary Development Plan and Preliminary Development Criteria.
5. The provisions of Section 128 (Supplementary Zoning District Regulations) and Section 133 (Off Street Parking and Loading Facilities) shall apply in the PSC district unless different requirements are specifically approved in the Comprehensive Sketch Plan and Development Criteria.

**F. Petition Requirements**

A petition for designation of a PSC District shall include the following:

1. A boundary survey of the property covered by the petition.

2. A Preliminary Development Plan and Preliminary Development Criteria for the property showing the following:
  - a. Existing topography, 100-year floodplain areas, wetlands, forests and other significant vegetation.
  - b. The availability and adequacy of utilities.
  - c. The location of proposed points of access to the site.
  - d. Existing development within 200 feet of the site.
  - e. Proposed development of the site, including the general location of buildings, parking areas, open space, recreation areas, pathways, community buildings and other accessory uses.
  - f. Proposed vehicular and pedestrian circulation pattern.
  - g. Preliminary Development Criteria that establish the maximum density based on the net acreage of the PSC District and the maximum number and types of dwelling units and/or beds for each housing type.
  - h. A generalized landscaping plan which indicates proposed landscape buffer types, existing vegetation, topography and other buffering features along the perimeters of the site adjacent to other residentially-zoned land.
  - i. Proposed number of parking spaces for residents and visitors.
  - j. A phasing plan if the development is to be built in phases.
3. Design analysis to demonstrate the relationship of the development to surrounding land uses, with cross sections, renderings or elevation drawings showing the scale and character of development.
4. Proposed covenants and other legal means of enforcing the age restrictions and ensuring the ongoing maintenance of open space, recreation facilities and common areas.
5. Descriptions of the design features and general size and layout of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how the use of universal design features will make individual dwelling units adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

**G. Standards for Approval of a Petition**

The Zoning Board may grant a petition for a PSC District based upon findings that:

1. The proposed district will accomplish the purposes of the PSC District.
2. The site meets the requirement of Section 127.1.B.
3. Safe public road access is available to and from the site. This includes a determination that roads serving the proposed development have the capacity to handle the increased use which is likely to result from the volume and density of the proposed development as well as development on



surrounding properties. The width, curvature, sight distance, and general conditions of surrounding roads shall be considered in making this finding.

4. Proposed buildings are compatible with residential development in the vicinity based on the scale and character of new buildings or through setbacks and landscaping.
5. Sufficient area is set aside as open space to provide green area and recreational amenities for the residents and transition areas and buffering for adjacent neighborhoods.
6. Suitable common areas and amenities are provided for residents, including pathways, seating areas, and an adequately sized community building or interior space.
7. Business uses which are permitted as accessory uses will be sized for use solely by residents of the PSC District. Such uses are integrated with the dwelling units and oriented towards the interior of the project. No signs or other evidence of business facilities will be visible from the periphery of the zoning district.
8. For a development that will be built in phases, open space areas will be provided in each phase to meet the needs of the residents unless otherwise provided in an earlier phase.
9. The development and proposed dwellings are designed for older adults and incorporate universal design features. Exterior site improvements and individual dwellings will be accessible to and adaptable for residents with mobility and functional limitations.
10. The development will be subject to covenants or other legal restrictions enforcing the age restrictions required for this zoning district. The legal entity that will implement and maintain the age restrictions, as well the open space and common facilities, is clearly identified. The legal entity shall be able to provide effective enforcement to supplement County enforcement of Zoning Regulations.
11. The location of the proposed site is in conformity with the General Plan.

#### **H. Recommendation of Planning Board**

The Planning Board shall hold a public meeting on the petition and make a recommendation to the Zoning Board, based on the “Standards for Approval of a Petition” given in Section 127.1.G.

#### **I. Decision by the Zoning Board**

1. The Zoning Board shall hold a public hearing on the petition and may approve, approve with modifications or deny the preliminary development plan and criteria, stating the reasons for its decision. The Zoning Board’s Decision shall be based on the “Standards for Approval” given in Section 127.1.G.
2. If the petition is approved a reproducible copy of the Preliminary Development Plan and Criteria including all text material, shall be provided by the petitioner and certified as approved by the Zoning Board. A verified copy of the same shall be forwarded to the Department of Planning and Zoning and the petitioner.

#### **J. Amendments to Preliminary Development Plan and Criteria**

1. A petition to amend either a Preliminary Development Plan or the Preliminary Development Criteria which govern the residential density, housing types, and the phasing of development, may be submitted by the developer.

2. The petition shall be reviewed in accordance with the procedures established in Section 127.1. H. and I. The petition may be approved if the Zoning Board determines that the Planned Senior Community, with the proposed amendments, will satisfy the standards given in Section 127.1.G.

**K. Initial Plan Submission and Development Criteria**

1. The initial plan submission shall encompass the entire area shown on the Preliminary Development Plan. The initial plan submission will be a comprehensive sketch plan for a subdivision or a site development plan for a condominium or rental development. The initial plan submission and Development Criteria shall consist of a plan or series of plans at an appropriate scale, as well as text and drawings, setting forth:
  - a. The environmental and landscape features of the site and immediate environs, including topography, steep slopes, forests, streams, floodplains, wetlands, historic sites, cemeteries, and other features. Immediate environs shall mean a distance of at least 200 feet from the boundary of the Planned Senior Community.
  - b. The boundaries and acreage of each housing type.
  - c. The location and use of all open space land, including the location of any community space, paths, outdoor seating and any recreational facilities and other public uses.
  - d. The location of existing and proposed public roads, stormwater management and utilities.
  - e. Development criteria for each type of housing and common areas. The development criteria shall include the preliminary development criteria approved by the Zoning Board and the following additions:
    - (1) bulk regulations specifying lot sizes, setbacks, distances between buildings not on individual lots, structure height, and other bulk requirements; and
    - (2) landscaping and parking standards.
2. Decision by the Planning Board
  - a. Planning Board approval of the initial plan submission and Development Criteria shall be required. Before acting upon the Comprehensive Sketch Plan or Site Development Plan and Development Criteria, the Planning Board shall receive comments from the Department of Planning and Zoning and the Subdivision Review Committee and shall hold a Public Hearing.
  - b. The Planning Board may approve, approve with modifications or disapprove the Comprehensive Sketch plan or site development plan and Development Criteria, stating the reasons for its action. The Planning Board's Decision shall be based on the standards for approval in Section 127.1.K.3.
  - c. The Planning Board may, at the time of approval of the Comprehensive Sketch Plan, require the subsequent approval by it of a Site Development Plan, for any portion of the development or category of land use.
  - d. If the plan is approved, the petitioner shall provide a reproducible copy of the approved initial plan submission and, on a separate sheet, the Development Criteria. The plan and criteria shall be certified as approved by the Planning Board.

- e. Approval of the initial plan submission and Development Criteria shall bind the lands covered with the full force and effect of specific zoning regulations.
- 3. Standards for Approval of initial plan submission and Development Criteria

The Planning Board shall approve the Comprehensive Sketch Plan or site development plan if it concludes that the plan, subject to any modifications required by the Board, will satisfy the following criteria:

  - a. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria are consistent with the approved Preliminary Development Plan and Preliminary Development Criteria.
  - b. The phasing of development is consistent with the phasing schedule indicated in the Preliminary Development Plan.
  - c. The Comprehensive Sketch Plan or Site Development Plan and Development Criteria specify how the standards in Section 127.1.G will be met.
- 4. Additions and amendments to the initial plan submission
  - a. The developer of a Planned Senior Community may propose revisions to a previously approved Comprehensive Sketch Plan or Site Development Plan, provided that the entire plan, with revisions, is submitted for review.
  - b. Any proposed addition or amendment to the Comprehensive Sketch Plan or Site Development Plan and Development Criteria shall be reviewed in accordance with this Section.

**L. Site Development Plan**

- 1. Approval by the Planning Board
  - a. Planning Board approval of a Site Development Plan is required if the Planning Board has reserved that authority for itself when approving the Comprehensive Sketch Plan for a subdivision.
  - b. The Planning Board shall consider a proposed Site Development Plan at a public meeting.
- 2. Standards for Approval of Site Development Plan

The Planning Board shall approve a Site Development Plan if it finds that the plan:

  - a. Is consistent with the approved Preliminary Development Plan, Comprehensive Sketch Plan and Development Criteria;
  - b. Satisfies the requirements of Section 127.K.3.
  - c. Makes effective use of landscaping to provide buffers where needed and to enhance the site design.

## **M. Minor Additions and Modifications**

Minor additions and modifications to Site Development Plans previously approved by the Planning Board that meet the criteria below shall not require Planning Board approval. Also, minor new projects which have been granted a Waiver of the Site Development Plan requirement by the Director of Planning and Zoning do not need Planning Board approval. However, all changes of use involving exterior site alterations require Planning Board approval.

1. Minor projects not requiring Planning Board approval:
  - a. Minor additions to structures, with a floor area no larger than 10 percent of the existing floor area of the main floor, not to exceed 5,000 square feet.
  - b. Minor new accessory structures if the location does not interfere with the site layout (e.g. circulation, parking, loading, stormwater management facilities, open space, landscaping or buffering).
  - c. Minor additions to parking lots comprising no more than 25 percent of the original number of parking spaces required, not to exceed 25 spaces.
  - d. Clearing or grading that does not exceed 5,000 square feet in area.
  - e. House model revisions to approved site development plans for single-family detached developments and for no more than 25 percent of the total number of dwelling units on the Site Development Plans for single-family attached or apartment developments.
  - f. Similar minor modifications as determined by the Department of Planning and Zoning.
2. Adjustments to Bulk Requirements

The Planning Board may approve parking or bulk requirements for a particular lot or parcel which differ from those required by the applicable development criteria in accordance with the following procedures:

- a. The Planning Board shall hold a public meeting on the proposed Site Development Plan.
- b. If no Site Development Plan is available, an accurate plot plan drawn to scale shall be submitted for Planning Board review at the public meeting. The plan shall clearly indicate the requirement from which relief is sought and the requested relief.
- c. In addition to the notice for public meetings required by the Planning Board's Rules of Procedure, the property which is the subject of the application shall be posted with the date, time and place of the meeting for at least 15 days immediately before the public meeting.
- d. The proposed adjustment shall be granted if the Planning Board finds that:
  - (1) The adjustment is in harmony with the purpose of the PSC District;
  - (2) The adjustment will not alter the essential character of the neighborhood or district in which the lot is located; will not impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
  - (3) The adjustment either:

- (a) Is needed due to practical difficulties or unnecessary hardships which arise in complying strictly with the development criteria; or
  - (b) Results in better design than would be allowed by strict compliance with the Development Criteria.
- e. The Planning Board shall approve, approve with conditions, or deny the requested adjustment, stating the reasons for its actions.

N. **Appeal of Planning Board Decision**

Appeals from decisions of the Planning Board shall be made to the Board of Appeals in accordance with Section 16.900(j)(2) of the Howard County Code.

## **SECTION 127.2: CE (Corridor Employment) District**

### **A. Purpose**

This district is intended to encourage the development and redevelopment of unused or underutilized land near U.S. Route 1. Development in the CE district should provide for new office, flex, and light industrial uses, while reducing the spread of strip commercial development and encouraging consolidation of fragmented parcels. The requirements of this district, in conjunction with the Route 1 Manual, will result in development that improves the appearance of the Route 1 streetscape, enhances traffic safety and better accommodates public transit and pedestrian travel.

Many parcels in the CE district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CE district. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

### **B. Uses Permitted As A Matter Of Right**

1. Ambulatory health care facilities.
2. Biomedical laboratories.
3. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
4. Catering establishments and banquet facilities.
5. Commercial communication antennas.
6. Commercial communication towers with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.2 and 128.E.3.
7. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
8. Data processing and telecommunication centers.
9. Day treatment or care facility. [Council Bill 38-2004 (ZRA-48), effective September 8, 2004]
10. Flex space.
11. Government structures, facilities and uses, including public schools and colleges.
12. Hotels, motels, conference centers, and country inns.
13. Manufacture, compounding, processing or packaging of bio-technical products, pharmaceuticals, cosmetics, and food products, specifically limited to bakery products. [Council Bill 39-2005 (ZRA-58) effective September 6, 2005]
14. Manufacture, assembly and service of electronic, communications, computer, medical, scientific, optical, photographic or technical instruments, equipment and components.
15. Manufacture and assembly of machine components.
16. Offices, professional and business.
17. Parking facilities that serve adjacent off-site uses in accordance with Section 133.B.4.
18. Photographic processing plants.
19. Printing, lithography, bookbinding or publishing.
20. Religious activities, structures used primarily for
21. Research and development establishments.
22. Schools, commercial, limited to business schools and trade schools.
23. Schools, private academic, including colleges and universities.
24. Sign-making shops
25. Transitional Mobile Home Parks which meet the requirements of Section 127.2E.5.  
(Council Bill 75-2004 (ZRA-55) Effective 2/8/05).
26. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
27. Volunteer fire departments.

## C. Commercial Uses Permitted With Limitations

1. Commercial uses within office buildings and/or parking structures
  - a. The uses below are permitted as a matter of right in any building used primarily for offices or parking and having at least two stories. The cumulative floor area of these uses shall not exceed 15 percent of the floor area of the building.
  - b. The maximum floor area for these uses may increase to 20 percent of each office building or parking structure having at least four stories and within a route one corridor development project.
  - c. The maximum floor area for these uses may increase to 50 percent of a multistory office building located on a shallow parcel that cannot be reasonably combined with adjoining parcels to create a significantly larger redevelopment site due to adjoining environmental features, existing land use or public roads. The parcel shall:
    - (1) Exist on April 13, 2004, the effective date of Council Bill 75 - 2003; and
    - (2) Have a developable area based on zoning and subdivision regulations that is within 300 feet of the Route 1 right-of-way.
  - d. The following uses are permitted in multi-story office or parking structures:
    - (1) Athletic centers, health clubs, tennis clubs and similar uses.
    - (2) Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions with a maximum of one drive through lane having no more than four stacking spaces.
    - (3) Blueprinting, printing, duplicating or engraving services.
    - (4) Child day care centers and nursery schools.
    - (5) Laundry and dry cleaning establishments without delivery services.
    - (6) Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
    - (7) Pizza delivery services and other services for off-site delivery of prepared food.
    - (8) Restaurants, carryout, including incidental delivery services.
    - (9) Restaurant, fast food without a drive-through.
    - (10) Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
    - (11) Retail establishments, limited to convenience stores, food stores, drug and cosmetic stores, liquor stores and specialty stores.
    - (12) Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
2. Commercial Uses In Freestanding Buildings
  - a. Within any Route 1 Corridor development project having at least 20 gross acres of land in the CE district, the businesses listed below are permitted as the sole or primary users of a building. The cumulative floor area of all buildings occupied by these uses shall not exceed 500 square feet per acre of CE-zoned land within the development. These freestanding commercial buildings are allowed in addition to the commercial uses within office buildings addressed above.
  - b. Development of freestanding commercial uses shall be phased with the development of other CE permitted uses within the project so that at no time shall the floor area of

freestanding commercial uses exceed 25 percent of the total floor area of other CE uses either constructed or being constructed pursuant to approved site development plans.

c. Uses Permitted As A Matter Of Right:

- (1) Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
- (2) Child day care centers.
- (3) Restaurants, carryout, including incidental delivery services.
- (4) Restaurant, fast food, without a drive-through.
- (5) Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.

**D Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

**E. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum Height Limitation

- a. Structure with minimum setback from a public street right-of-way .....60 feet
- b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height ....100 feet

2. Minimum setbacks for development complying with the Route 1 Manual standards

The following minimum setback requirements apply to sites that comply fully with the CE zoning regulations and the Route 1 Manual's requirements:

a. From External Public Street Right-Of-Way:

- (1) All structures and uses, except those listed in (2) .....20 feet
- (1) Parking, loading docks, outdoor storage, dumpsters and fencing used to enclose or screen these uses .....40 feet

b. From Internal Public Street Right-Of-Way:

- (1) All structures and uses, except those listed in (2) and (3) .....10 feet
- (2) Parking, except truck parking .....20 feet
- (3) Truck parking, loading docks, outdoor storage areas, dumpsters, and fencing used to enclose or screen these uses .....40 feet



c. From Residential Districts

- (1) For manufacturing, processing and assembly uses, communication towers, and any other uses that have truck parking areas, loading docks or outdoor storage areas:

All structures and uses .....100 feet

- (2) For all other uses:

(a) Structures and uses .....30 feet

(b) Except parking, driveways, dumpsters and fencing used to enclose or screen these uses .....50 feet

- (3) If a residential district is separated from the CE district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

3. Maximum Structure Setback

As provided in the Route 1 Manual, for lots abutting U.S. Route 1, the building facade closest to Route 1 shall be located no more than 100 feet from the public right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 100-foot setback may be increased without a variance in accordance with the Route 1 Manual.

4. Minimum Setback Requirements for Sites Not Complying with the Use Provisions of the CE District and the Route 1 Manual

The following minimum setback requirements apply to sites developed prior to the creation of the CE district that do not comply or only partially comply with the Howard County landscape manual and the Route 1 Manual:

a. From external public street right-of-way

(1) Structures and uses .....50 feet

(2) Except for fences and parking uses .....30 feet

b. From internal public street right-of-way

(1) Structures and uses .....50 feet

(2) Except for fences and parking uses .....10 feet

c. From any residential district:

All structures and uses.....100 feet

- d. If a residential district is separated from the CE district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

5. Minimum requirements for Transitional Mobile Home Parks:

The following minimum provisions apply to mobile home parks which may be developed and operated for a limited period as described below, on land within the CE District and within 50 feet of existing non-conforming mobile home parks.

- a. Area of Park .....5 Acres Minimum

- b. Density .....15 Mobile Home Units Per Acre
- c. Setbacks – Mobile Homes:
  - (1) From external public street right-of-way ..... 50 feet
  - (2) From a different zoning district other than R-MH ..... 50 feet
  - (3) From A R-MH zoning district ..... 10 feet
  - (4) Between structures .....10 feet  
Including steps, decks, and open porches.
  - (5) Across an internal private drive between structures .....30 feet
- d. Any transitional mobile home park developed as provided in this section shall cease operation at the end of fifteen (15) years after the first use and occupancy permit is issued for a mobile home in the park. Prior to the end of the fifteenth year, either the county or the owner of the transitional mobile home park may request from the county council an extension of the initial fifteen-year period. Any extension of the initial fifteen-year period must be agreed to by both the county and the owner of the transitional mobile home park and shall establish the final date of operation of the transitional mobile home park. (Council Bill 75-2004 (ZRA-55) Effective 2/8/05).

**F. Amenity Area**

CE developments of 5 acres or more with any uses other than manufacturing, shall include a landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual.

**G. Compliance With Route 1 Manual**

**1. New Development**

New development in the CE district shall comply with the standards of the Route 1 Manual.

**2. Alterations To Existing Uses Requiring Compliance With the Route 1 Manual**

**a. The following minor alterations or enlargements are exempt from complying:**

- (1) Expansion of a building by 10 percent or less of the floor area of the building on April 13, 2004, up to a maximum of 5,000 square feet of floor area.
- (2) Building repairs, repaving or restriping parking areas, and other maintenance or repair that does not enlarge a building or use.
- (3) Removal of parking areas, driveways or other paved areas.
- (4) A change in the use of an existing building to a use permitted in this district, if the department of planning and zoning determines, in accordance with the subdivision and land development regulations, that no changes to site improvements are required.
- (5) Other minor alterations to a developed site that do not require a site development plan or a revision to an approved site development plan. This includes alterations approved through a waiver of the site development plan requirement or a red-line revision to an existing site development plan.

- b. Other than the above exceptions, any alteration or enlargement of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance. Additional guidance is provided in the Manual.

(1) Expansion of Existing Improvements

If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 Manual in equal proportion to the percentage of the site impacted by the expansion. (For example, if the expansion impacts 20 percent of the site, 20 percent of the existing improved area shall be brought into compliance with the manual.) The area impacted by the expansion includes the square foot area of building additions and additional parking, loading, driveways, infrastructure, and land cleared or graded.

(2) Site Improvements That Do Not Alter Buildings

If alterations or enlargements are limited to site improvements that do not involve buildings, buildings are not required to be brought into compliance with the Route 1 Manual.

(3) Building Expansions

Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including design and location of the addition. relocation or reconstruction of existing buildings is not required.

- c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Section E.3 above.

**H. Conditional Uses**

The following are conditional uses in the CE district, subject to the detailed requirements for conditional uses given in section 131. if there is a conflict between this section and Section 131, Section 131 shall prevail.

1. Communication towers or antennas (commercial)
2. Utility uses, public

## **SECTION 127.3: CLI OVERLAY (Continuing Light Industrial) District**

### **A. Purpose**

The Continuing Light Industrial (CLI) Overlay District is established to allow continuing use of existing warehousing and light industrial buildings in the Corridor Employment (CE) District and the Corridor Activity Center District (CAC) that were developed for these uses prior to creation of these districts. By allowing these uses to continue, the CLI district protects and promotes owner investment in the existing buildings and site improvements.

### **B. Criteria**

The CLI Overlay District shall be utilized at a particular location if the following requirements are met:

1. The property is in the Corridor Employment (CE) or the Corridor Activity Center district (CAC) zoning districts.
2. The property is developed with single or multiple tenant warehousing or light industrial buildings and site improvements. The buildings and site improvements must either exist or be shown on a site development plan that was technically complete prior to April 13, 2004, the approval date of Council Bill 75 - 2003.
3. Use of the property for warehousing or light industrial operations has not ceased for a period exceeding one year since April 13, 2004.

### **C. Uses Permitted As A Matter Of Right**

The following uses are permitted as a matter of right in the CLI Overlay district:

1. Warehouse, manufacturing, assembly or processing uses permitted in the M-1 district and accessory uses thereto.
2. Uses allowed in the underlying district.
3. Furniture stores.
4. Retail, limited accessory:

For any manufacturing or warehouse use permitted in the M-1 district, accessory retail sales may be permitted, provided that:

- a. The products sold are either manufactured or distributed on the site;
- b. Not more than 30 percent of the floor space of the first floor of the main structure may be devoted to the retail sales of articles made or distributed on the premises; and
- c. Any service facilities are limited to the repair and/or service of products manufactured or distributed by the owner or lessee of the site.

Nothing herein shall be construed to permit the operation of general retail sales businesses.

5. Material recovery facilities – source separated.

6. Recycling collection facilities.

**D. Other Requirements**

1. The requirements of the underlying CE district for accessory uses, bulk requirements, and compliance with the Route 1 Manual shall apply to improvements to properties utilizing the CLI Overlay District provisions.
2. Building and site improvement expansions of up to 25% of the square foot area existing or approved on the approval date of Council Bill 75 - 2003 are permitted for warehouse and industrial uses. Greater expansions may be authorized under the non-conforming use provision of Section 129. Expansions for uses permitted in the CE District are not restricted, but shall conform to the CE District regulations.
3. Outdoor storage areas shall not exceed 5% of the site and all outdoor storage must be screened in accordance with the Route 1 Manual.

**E. Procedures for Documenting Pre-Existing Warehouse or Industrial Use**

If there is no site development plan approved by Howard County for a warehouse or industrial building constructed prior to April 13, 2004, the approval date of these regulations, or the approved site development plan does not accurately reflect site improvements existing on that date, additional documentation shall be submitted to the Department of Planning and Zoning. Such documentation may include photographs of the structure and site improvements, aerial photography, or other materials that provide clear evidence of the scope of warehouse or industrial development on the property prior to April 13, 2004.

## **SECTION 127.4: TOD (Transit Oriented Development) District**

### **A. Purpose**

This district provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD district is intended to encourage the development of multistory office centers that are located and designed for safe and convenient pedestrian access by commuters using the MARC TRAINS and other public transit links. For larger sites of at least 3 acres, well-designed multi-use centers combining office and high-density residential development are encouraged. The requirements of this district, in conjunction with the Route 1 Manual, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD district. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as uses are redeveloped or expanded.

### **B. Uses Permitted As A Matter Of Right**

1. Ambulatory health care facilities, including pharmacies incidental to these uses.
2. Athletic centers, health clubs, tennis clubs, and similar uses.
3. Biomedical laboratories.
4. Commercial communication antennas.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Data processing and telecommunication centers.
7. Dwellings, apartment, only within developments encompassing at least 3 gross acres of TOD-zoned land within a Route 1 Corridor development project.
8. Flex space.
9. Government structures, facilities and uses, including public schools and colleges.
10. Horse racetrack facilities.
11. Hotels, motels, country inns and conference centers.
12. Offices, professional and business.
13. Parking facilities that serve adjacent off-site uses in accordance with Section 133.B.4.
14. Research and development establishments.
15. Restaurants, carryout, including incidental delivery services.
16. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
17. Schools, commercial, limited to business schools and trade schools.
18. Schools, private academic, including colleges and universities.
19. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
20. Volunteer fire departments.

### **C. Commercial Uses Permitted With Limitations**

The following commercial uses are permitted as a matter of right in any building or parking structure having four or more stories. These uses shall be restricted to a cumulative area not exceeding 15 percent of the floor area of the building.

The maximum floor area for these uses increases to 25 percent of each building within a Route 1 Corridor development project that includes at least 15 gross acres of land in the TOD district.

1. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions without a drive-through.
2. Blueprinting, printing, duplicating or engraving services.
3. Child day care centers and nursery schools.
4. Laundry and dry cleaning establishments without delivery services.
5. Personal service establishments such as barber and beauty shops, opticians, photographers, tailors.
6. Pizza delivery services and other services for off-site delivery of prepared food.
7. Restaurants, fast food without a drive-through.
8. Retail establishments, limited to convenience stores, food stores, drug and cosmetic stores, liquor stores and specialty stores.
9. Service agencies, such as real estate agencies, insurance and financial services, security services, messenger services, computer services, travel agencies, and mailing services.

**D. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
4. Home occupations, subject to the requirements of Section 128.C.1.
5. The following retail and service uses, on a lot used primarily for multistory business or professional offices, provided the total gross floor area of all such establishments on a lot shall not exceed 2,000 square feet and shall not exceed 10 percent of the total floor space of the principal use:
  - a. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
  - b. Service agencies such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, data processing services.
  - c. Retail establishments, limited to the following: convenience stores, food stores, drug and cosmetic stores and specialty stores.

**E. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Maximum building height
  - a. Structure with minimum setback from a public street right-of-way .....60 feet
  - b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height.....100 feet

2. Minimum setbacks for development complying with the Route 1 Manual

The following minimum setback requirements apply to sites that comply fully with the Manual's requirements:

- a. Minimum setbacks from public street right-of-way
  - (1) From arterial
    - (a) Principal structures .....20 feet
    - (b) All other structures and uses .....30 feet
  - (2) From other public street right-of-way
    - (a) Principal structures ..... 0 feet
    - (b) All other structures and uses .....30 feet

3. Minimum setbacks from vicinal properties:

- a. From a residential district:
  - All structures and uses.....30 feet
- b. From all other zoning districts:
  - (1) Structures containing residences .....50 feet
  - (2) All other structures and uses .....0 feet
- c. If a TOD district is separated from another zoning district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

4. Minimum distances between residential buildings

The following minimum distances shall be maintained between any buildings containing residences (even if the buildings include other uses also):

- a. Side to side .....15 feet
- b. All other façade to façade relationships .....30 feet

5. Minimum setback requirements for sites not complying with the use provisions of the TOD district and the Route 1 Manual.

The following minimum setback requirements apply to sites developed prior to the creation of the TOD district that do not comply or only partially comply with the Howard County Landscape Manual and the Route 1 Manual:

- a. From external public street right-of-way
  - (1) Structures and uses .....50 feet
  - (2) Except for fences and parking uses .....30 feet



- b. From internal public street right-of-way
  - (1) Structures and uses .....50 feet
  - (2) Except for fences and parking uses .....10 feet
- c. From any residential district:
  - All structures and uses.....100 feet
- d. If a residential district is separated from the TOD district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

**F. Requirements for TOD Development**

1. Amenity Area

TOD developments shall include a landscaped, outdoor amenity area such as a plaza, courtyard, or garden, designed to comply with the Route 1 Manual.

2. Area Requirements for Residential Uses

- a. Residences are permitted only within a Route 1 Corridor development project encompassing at least 3 gross acres of TOD-zoned land.
- b. No more than 50 percent of the net acreage of TOD-zoned land within the development project shall be devoted to residential buildings and residential parking.
- c. Moderate income housing units

At least 15 percent of the dwelling units shall be moderate income housing units.

**G. Compliance With Route 1 Manual**

1. New Development

New development in the TOD district shall comply with the standards of the Route 1 Manual.

2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

- a. The following minor alterations or enlargements are exempt from complying with the Route 1 Manual:
  - (1) Expansion of a building by 10 percent or less of the floor area of the building on April 13, 2004, up to a maximum of 5,000 square feet of floor area.
  - (2) Building repairs, repaving or restriping parking areas, and other maintenance or repair that does not enlarge a building or use.
  - (3) Removal of parking areas, driveways or other paved areas.
  - (4) A change in the use of an existing building to a use permitted in this district, if the department of planning and zoning determines, in accordance with the

Subdivision and Land Development Regulations, that no changes to site improvements are required.

- (5) Other minor alterations to a developed site that do not require a site development plan or a revision to an approved site development plan. This includes alterations approved through a waiver of the site development plan requirement or a red-line revision to an existing site development plan.

- b. Other than the above exceptions, any alteration or enlargement of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance with the Route 1 Manual. Additional guidance is provided in the Manual.

- (1) Expansion Of Existing Improvements

If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 Manual in equal proportion to the percentage of the site impacted by the expansion. (For example, if the expansion impacts 20 percent of the site, 20 percent of the existing improved area shall be brought into compliance with the manual.) The area impacted by the expansion includes the square foot area of building additions and additional parking, loading, driveways or infrastructure, and land cleared or graded.

- (2) Site Improvements That Do Not Alter Buildings

If alterations or enlargements are limited to site improvements that do not involve buildings, existing buildings are not required to be brought into compliance with the Route 1 Manual.

- (3) Building Expansions

Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including design and location of the addition. Relocation or reconstruction of existing buildings is not required.

- c. A site that does not fully comply with the Route 1 Manual is subject to the bulk requirements in Section E.3 above.

## H. Conditional Uses

The following are conditional uses in the TOD district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.

1. Communication towers or antennas (commercial)
2. Home occupations
3. Utility uses, public



## **SECTION 127.5 CAC (Corridor Activity Center) District**

### **A. Purpose**

This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area. The requirements of this district, in conjunction with the Route 1 Manual and the public improvements recommended by the Route 1 Corridor Revitalization Study, will result in development that will strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 1 and intersecting roads.

Many parcels in the CAC district were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the CAC district. The intent of this district will be achieved by bringing the sites into compliance with these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped.

### **B. Uses Permitted as a Matter of Right**

1. Ambulatory health care facilities.
2. Animal hospitals, completely enclosed.
3. Antique shops, art galleries, craft shops.
4. Athletic centers, health clubs, tennis clubs and similar uses.
5. Bakeries, provided all goods baked on the premises shall be sold at retail from the premises.
6. Banks, savings and loan associations, investment companies, credit bureaus, brokers, and similar financial institutions, without a drive-through.
7. Bicycle repair shops.
8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of net floor area.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.D.3.
10. Child day care centers and nursery schools.
11. Clothing and apparel stores with goods for sale or rent.
12. Commercial communication antennas.
13. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
14. Convenience stores.
15. Day treatment or care facilities.
16. Drug and cosmetic stores.
17. Dwellings, apartment and single-family attached, only within a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land.
18. Farmers markets.
19. Food stores.
20. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
21. Government structures, facilities and uses, including public schools and colleges.
22. Hardware stores.
23. Hotels, motels, country inns and conference centers.
24. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
25. Liquor stores.
26. Museums and libraries.
27. Nonprofit clubs, lodges, community halls.

28. Offices, professional and business.
29. Parking facilities that serve adjacent off-site uses in accordance with Section 133.B.4.
30. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
31. Pet grooming establishments.
32. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
33. Restaurants, carryout, including incidental delivery service.
34. Restaurants, fast food, in a multi-story building without a drive-through.
35. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
36. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
37. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
38. Schools, private academic, including colleges and universities.
39. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services.
40. Specialty stores.
41. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a conditional use.
42. Volunteer fire departments.

**C. Accessory Uses**

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.
2. Communication towers and antennas accessory to a principal use on the lot. Towers are subject to the requirements of Sections 128.E.2 and 128.E.3.
3. Home occupations, subject to the requirements of Section 128.C.1.
4. Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
5. Retail sale of propane on the site of a principal retail business.
6. Snowball stands, subject to the requirements of Section 128.D.5.

**D. Bulk Regulations**

(Also see Section 128.A, Supplementary Bulk Regulations.)

1. Residential density, maximum ..... 25 units per net acre
2. Maximum building height
  - a. Fronting an arterial road .....55 feet
  - b. Fronting other public roads .....40 feet

3. Minimum building height.....25 feet

The minimum building height does not apply to additions to existing, one-story buildings, provided that the existing building was lawfully constructed before the property was rezoned to the CAC district, and the addition does not increase the ground coverage of the building by more than 25 percent of the area covered by the building when the property was rezoned to CAC.

4. For sites that comply fully with the Route 1 Manual:

- a. Minimum setbacks from public street right-of-way

- (1) Principal structures and amenity areas .....0 feet  
(2) All other structures and uses .....10 feet

- b. Minimum setbacks from vicinal properties

- (1) From residential districts:

- (a) Nonresidential structures and associated uses .....30 feet  
(b) Structures containing residences and associated uses .....20 feet

- (2) From any other zoning district:

All structures and uses.....0 feet

- (3) If a residential district is separated from the CAC district by a public street right-of-way, only the setbacks from a public street right-of-way shall apply.

- c. Maximum Structure Setback from Public Street Right-Of-Way

As provided in the Route 1 Manual, the building facade closest to a public street should be located no more than 10 feet from the edge of the public street right-of-way unless topography, utilities or other physical constraints make a greater setback necessary. This 10-foot setback may be increased without a variance in accordance with the Route 1 Manual.

5. For sites developed prior to the creation of the CAC district that do not comply or only partially comply with the Landscape Manual and Route 1 Manual:

All structures and uses.....30 feet

## E. Requirements for CAC Development

1. Amenity Area

CAC developments shall include a landscaped, outdoor amenity area, such as a plaza, courtyard, or garden that complies with the requirements of the Route 1 Manual.

2. Requirements for Nonresidential Uses

- a. For any building on a lot abutting the right-of-way of Route 1:

- (1) At least 50% of the first floor of the building must be designed for retail or service uses. Service uses include personal service, service agency, restaurants, and similar uses serving the public.
  - (2) The first floor of the building facade facing Route 1 must include storefronts and primary entrances for the first floor retail and service uses.
  - (3) The first floor facade shall be designed to provide pedestrian interest along Route 1 in accordance with the Route 1 Manual.
- b. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business.

### 3. Requirements for Residential Uses

- a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land.
- b. The first floor of buildings on lots abutting the right-of-way of Route 1 shall not include residential uses in the building space closest to the right-of-way of Route 1. Residences may occupy other portions of the first floor space.
- c. For every one unit of residential space that is developed, 300 square feet of commercial space must be developed on the site. The Director of the Department of Planning and Zoning may, however, reduce the commercial space requirement to 200 square feet per residential unit under the following conditions:
  - (1) The site is constrained in terms of size, shape, environmental factors or access in a manner that limits commercial development potential; or
  - (2) The proposed design includes recreational, public, or non-profit uses on the first floor that benefit and are accessible to the general public.
- d. At least 15 percent of the dwelling units shall be moderate income housing units.
- e. The moderate income housing units in the CAC district are to be made available to the following individuals prior to making them available to the general public:
  - (1) Employees of the development;
  - (2) All income-eligible Howard County employees and employees of the Howard County Board of Education [Council Bill 34-2004 (ZRA-49), effective September 8, 2004]
  - (3) Residents that are dislocated by Route 1 redevelopment projects

These individuals must also meet the qualifications of the MIHU program as established in 13.400 of the Howard Code.

## F. Compliance with Route 1 Manual

### 1. New Development

New development in the CAC district shall comply with the standards of the Route 1 Manual.

## 2. Alterations to Existing Uses Requiring Compliance with the Route 1 Manual

- a. The following minor alterations or enlargements of an existing use are exempt from complying with the Route 1 Manual.
  - (1) Expansion of a building by 10 percent or less of the floor area of the building on (Insert the effective date of this legislation) up to a maximum of 5,000 square feet of floor area.
  - (2) Building repairs, repaving or restriping parking areas, and other maintenance or repair that does not enlarge a building or use.
  - (3) Removal of parking areas, driveways or other paved areas.
  - (4) A change in the use of an existing building to a use permitted in this district, if the Department of Planning and Zoning determines, in accordance with the Subdivision and Land Development Regulations, that no changes to site improvements are required.
  - (5) Other minor alterations to a developed site that do not require a site development plan or a revision to an approved site development plan. This includes alterations approved through a waiver of the site development plan requirement or a red-line revision to an existing site development plan.
- b. Other than the above exceptions, any alterations or enlargements of an existing use must comply with the Route 1 Manual. The following standards determine the extent to which improvements must be brought into compliance. Additional guidance is provided in the Manual.
  - (1) **Expansion of Existing Improvements**

If buildings and/or site improvements are expanded, the site shall be brought into compliance with the Route 1 Manual in equal proportion to the percentage of the site impacted by the expansion. (For example, if the expansion impacts 20 percent of the site, 20 percent of the existing improved area shall be brought into compliance with the Manual.) The area impacted by the expansion includes the square foot area of building additions and additional parking, loading, driveways or infrastructure, and land cleared or graded.
  - (2) **Site Improvements That Do Not Alter Buildings**

If alterations or enlargements are limited to site improvements that do not involve buildings, buildings are not required to be brought into compliance with the Route 1 Manual.
  - (3) **Building Expansions**

Expanded buildings shall be brought into compliance with the Route 1 Manual to the extent possible, including the design and location of the addition. Relocation or reconstruction of existing buildings is not required.
- c. A site that does not fully comply with the Route 1 Manual is subject to the Bulk Requirements in Section D.4.B above.

## G. **Parking**

The minimum off-street parking requirements of Section 133.D may be reduced by the number of on-street parking spaces available within a public street right-of-way or private service drive abutting the lot.



On-street parking spaces used to meet the minimum parking requirement must be within the road section abutting the lot and on the same side of the street as the lot needing the parking.

#### **H. Conditional Uses**

The following are conditional uses in the CAC district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.

1. Home occupations
2. Nursing homes and residential care facilities
3. Utility uses, public

## SECTION 128: Supplementary Zoning District Regulations

### A. Supplementary Bulk Regulations

The following supplementary regulations shall apply in addition to the requirements of the applicable zoning district.

#### 1. Exceptions to Setback Requirements

Exceptions To Setback Requirements		
Type of Building Feature, Structure, or Land Use	Zoning District	Maximum Encroachment Into Setback
a. Cornices, eaves and cantilevered building features	All districts except NT	3 feet into any setback
b. Bay windows, window wells, oriels, vestibules, balconies, chimneys, heating or air conditioning units, and exterior stairways or ramps, above or below ground level	All districts except NT	4 feet into any setback or distance between buildings, provided the feature has a maximum width of 16 feet
c. Exterior stairways or ramps, above or below ground level	All residential districts except NT	10 feet into a front setback or a setback from a project boundary or different zoning district; 16 feet into a rear setback
d. Open and enclosed porches and decks	All residential districts except NT	10 feet into a front or rear setback, a setback from a project boundary, a setback from a different zoning district, or a required distance between buildings
e. Sheds or playhouses	All residential districts except NT	Side and rear setbacks do not apply if the lot coverage by sheds or playhouses encroaching into setback areas does not exceed a cumulative total of 100 square feet per lot and no animals are sheltered.
f. Walls and fences which serve as entrance features for a subdivision or development	All districts	Setback requirements do not apply, provided the entrance feature is no more than 8 feet high, provides identification of the subdivision or development, and does not interfere with sight distance along public roads. If visible from a scenic road, the entrance feature shall be no more than 4 feet high and 12 feet long.
g. Flagpoles	All districts	Setback requirements do not apply
h. Pathways	All districts	Pathways are not subject to the setback requirements for uses from a public street right-of-way
i. Transmission lines	All non-residential districts	Setbacks from abutting residentially zoned properties may be reduced to 10 feet if the abutting property is an overhead or underground transmission line right-of-way that is 100 feet or more in width

2. Exceptions to Lot Coverage Requirements

In residential districts and residential land use areas of the PGCC and MXD Districts, but not in the NT District, open decks (decks without roof or walls) shall not be considered structures for lot coverage purposes when constructed onto a single-family attached dwelling.

3. Exceptions to Height Requirements

- a. In any district, parapet walls may extend not more than four feet above the maximum allowed height.
- b. In any district, height limitations shall not apply to bulkheads, elevators, one-story penthouses, water tanks, air conditioning units, and similar utility or mechanical structures not covering more than 25 percent of the roof area of a building, nor to architectural screening for such structures.
- c. The following are exempt from height limitations in all nonresidential districts except the HO and HC Districts, including employment areas of the NT, MXD and PGCC Districts: antennas, communication towers, and lines, poles and other supporting structures for electric, telephone or cable television transmission or distribution. (See Section 128.E for additional requirements for antennas and communication towers.)
- d. The following are exempt from height limitations in all residential districts except the R-VH District, including residential areas of the NT, MXD and PGCC Districts: spires, steeples, belfries, chimneys, stacks, flag poles, monuments, observation towers, windmills, barns, silos, water storage structures, antennas, communication towers, and lines, poles and other supporting structures for electric, telephone or cable television transmission or distribution. Observation towers, silos and ground-mounted antennas (not including satellite dish antennas) shall be set back from lot lines a distance equal to their height as measured from ground level. (See Section 128.E for additional requirements for antennas and communication towers.)
- e. In any district, outdoor athletic structures are exempt from the height limits for accessory structures.

4. Required Setback for Certain Farm Uses

In all districts where farming is a permitted use, the following shall not be allowed within 200 feet of an existing dwelling on a different lot:

- a. An animal shelter including a building, shed, roofed structure or movable shelter that houses or provides protection for animals other than household pets; or
- b. The storage of manure.

5. Bulk Regulations Specific to Ellicott City

Notwithstanding other requirements of these regulations, new structures erected on Main Street between Rogers Avenue and the Historic District boundary shall be required to provide a minimum front yard equal in depth to the front yard of the main part of the nearest structure on the same side of the street. However, nothing in this section requires setbacks greater than those in the zoning district.

6. Bulk Regulations Specific to Lisbon and Elkridge

a. The provisions of Section 128.A.6.b below shall apply to:

- (1) B-1 or B-2 zoned properties in Lisbon which are located between North Avenue and South Alley, beginning at the center line of MD 94 and extending 1850 feet to the east on the north side of MD 144; extending 1,350 feet to the east on the south side of MD 144; and extending 225 feet to the west on the south side of MD 144; and
- (2) B-1 zoned properties in Elkridge which have frontage on either side of Main Street and are located north of the B&O Railroad tracks or on Railroad Avenue.

b. The following provisions shall apply:

- (1) Structures or land uses shall not be required to meet the minimum setback requirements of the applicable zoning district.
- (2) The minimum off-street parking requirements for specific uses contained in Section 133.D of these regulations shall not be applicable, but reasonable and appropriate off-street parking requirements shall be determined by the Department of Planning and Zoning, which shall consider comments from other County agencies regarding the parking needs of the proposed use and the availability of parking in the area of the use. Off-street parking spaces serving any structures or land uses in existence at the time of adoption of these Regulations shall not be reduced.

7. Bulk Regulations Specific to Highland

The following requirements apply to B-1 zoned property located within 1,000 feet of the centerline of the intersection of MD Route 108 and MD Route 216.

a. The minimum structure setback from the public street right-of-way shall be as follows:

- (1) For additions to existing structures, a distance equal to 30 feet or the setback of the existing structure, whichever is less.
- (2) For new structures, a distance equal to 30 feet or the front setback of the nearest structure in the B-1 district on the same side of the street, whichever is less.

b. All other requirements of the B-1 district shall apply.

8. Setbacks From Paper Streets

The required setback from a street right-of-way shall not be applied to a street which is shown on a plat recorded prior to March 7, 1961, and has not been built, if the Directors of Planning and Zoning and Public Works determine that the street will not be built or dedicated as a public street.

9. Setback Requirements for Fences, Walls and Retaining Walls

The following regulations shall apply to fences and retaining walls in all zoning districts except the NT District.

a. Fences shall be classified in the following categories:

- (1) Open fence are fences which do not restrict visibility beyond the fence line. Open fences include wire, chain link, post and rail, paddock, picket, and other fences in which more than 50 percent of the fence area is left open. The fence area is the surface area from the bottom to the top of the fence section, including stringers supporting the section but not the post area above or below the fence section.
    - (2) Closed fences include board on board, privacy or stockade fences, or any other fences in which 50 percent or less of the fence area is open. Masonry walls that serve the same purpose as a closed fence are considered closed fences.
  - b. The following types of fences and retaining walls shall be exempt from all structure or use setback requirements, including the setbacks in the M-1 and M-2 Districts which apply specifically to fences:
    - (1) Closed fences three feet or less in height.
    - (2) Open fences five feet or less in height.
    - (3) Retaining walls three feet or less in height.
    - (4) A series of retaining walls in which the height of each individual wall does not exceed three feet and the horizontal distance between walls is three feet or greater, however, a series of retaining walls must be set back in accordance with engineering requirements in the Design Manual. If the adjoining property is developed for residential use, no more than two retaining walls are permitted in a series and the closer wall can be no nearer than 10 feet from the property line.
  - c. Fences and walls six feet or less in height shall not be subject to structure or use setback requirements if located in a side or rear yard which is not adjacent to a public street right-of-way.
  - d. Where the ground is higher on one side of a fence or retaining wall than another, the height of a fence shall be measured on the side where the ground is lower.
  - e. Other than the exceptions noted above, fences must comply with all bulk requirements of the applicable zoning district.
10. Setbacks from lot lines internal to a development when two or more contiguous lots or parcels are treated as a single parcel for development purposes, the structure and use setbacks from lot lines internal to the development shall not apply provided that:
- a. A sketch plan or site development plan is approved for the development showing an integrated design for the contiguous lots;
  - b. The lots are developed and maintained as an integrated development;
  - c. All of the lots are integral and necessary to the project; and
  - d. Improvements are planned and constructed without regard to the internal lot lines.
  - e. In all instances, perimeter setbacks to adjoining parcels shall be maintained.
11. Setbacks for Zoning Boundaries Internal to a Development
- In a development with a plan showing an integrated design that incorporates more than one zoning district, there is no required setback from an internal zoning district boundary. In all instances perimeter setbacks to adjoining parcels shall be maintained.

12. Bulk Regulations for Detached Accessory Garages (Council Bill 58-2004(ZRA-53) effec.1/4/05).

Detached accessory garages are accessory to single family detached dwellings and are limited to 600 square feet, except in the RC and RR Districts. The following bulk requirements shall apply to detached accessory garages in the RC and RR Districts:

a.	Size:	
	<u>Lot Size</u>	<u>Maximum Square Footage</u>
	2 Acres or less	1,200 Square Feet
	Greater than 2 acres	2,200 Square Feet

b. Maximum Height Limitations:

On lots 3 acres in area or less, the height of detached garages shall be limited to 15 feet. Detached garages located on lots greater than 3 acres, must conform to the zoning district's bulk requirements.

c. Setbacks:

The minimum rear and side setbacks for detached garages shall be 20 feet.

Full baths and commercial or residential uses are not permitted in detached garages.

**B. Noncomplying Structures and Uses**

1. A structure or use which does not comply with current bulk requirements, but which complied with the requirements in effect when it was constructed, may remain in place and may be maintained or repaired as necessary.
2. Any additions to the structure or use must comply with current bulk requirements unless a variance is granted with the following exceptions:
  - a. An addition to a single-family detached dwelling may encroach into a front setback without a variance, provided that the addition encroaches no further into the front setback than the existing dwelling.
  - b. The architectural features listed in Sections 128.A.1.A through 128.A.1.C may be added to a building without a variance, provided the features does not extend further out from the current building than the maximum setback encroachment allowed by those sections.
3. If a noncomplying structure is destroyed by fire, flood or other calamity, it may be replaced without a variance, without complying with current bulk requirements, provided that:
  - a. It may be replaced with a structure of the same or lesser size and dimensions in the same location as the destroyed structure, provided the Director of Planning and Zoning determines that it is not feasible to replace the structure in a location closer to compliance with current bulk requirements.
  - b. It may be replaced with a structure of the same or lesser size and dimensions in a location which is closer to compliance with current bulk requirements than the original location, provided that the Director of Planning and Zoning determines that it is not possible to replace the structure in a location fully in compliance with current bulk requirements.
4. The provisions of Subsection 2 above shall not apply if the structure was vacant for more than one year immediately prior to being destroyed. Subsection 2 shall apply only if a building permit is obtained within two years of the date the structure was destroyed, construction pursuant to the building permit begins within six months of the issuance of the permit, and construction is substantially completed within one year. The building permit shall be revoked and a variance shall be required if these conditions are not met.
5. These provisions shall not be deemed to permit the intentional demolition and replacement of a structure which does not comply with current bulk requirements.

**C. Home Businesses**

**1. Home Occupations**

Home occupations which meet the following requirements are permitted accessory uses in all residential zoning districts and in residential land use areas of the NT, PGCC and MXD Districts. If more than one home occupation is located within a residence or on a residential lot, the requirements given below apply to the cumulative total of all home occupations on the site.

- a. The total area devoted to home occupations shall not exceed 33% of the gross floor area of the dwelling or 800 square feet, whichever is less.

- b. A home occupation shall be located entirely within a dwelling, an accessory building, or both, except that a home office which may be visited by clients shall be located within a dwelling. An office visited by clients may not be separated from the remainder of the structure by an attached garage or an open or enclosed breezeway.
- c. A home occupation shall not alter the residential appearance and character of the dwelling, accessory building or lot.
- d. There shall be no exterior evidence, other than a permitted sign, to indicate that the lot is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage, noise, dust, vibration, glare, fumes, odors or extensive parking area.
- e. No sale or rental of commodities shall take place on the lot.
- f. A home occupation shall be conducted by persons residing in the dwelling. In addition, the following number of nonresident employees may work on the lot in connection with the home occupation:
  - (1) On a lot 40,000 square feet or larger, no more than two full-time equivalent employees not residing in the dwelling, not to exceed four individuals, shall be permitted.
  - (2) On a lot smaller than 40,000 square feet which is improved by a single-family detached dwelling, no more than one full-time equivalent employee not residing in the dwelling, not to exceed two individuals, shall be permitted.
  - (3) Within a single-family attached or apartment dwelling, no more than one full-time equivalent employee not residing in the dwelling, not to exceed one individual, shall be permitted provided that the nonresident employee shall work only between 9:00 a.m. and 5:00 p.m. Monday through Friday.
- g. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- h. Home occupations may include the uses listed below, as well as other uses which comply with all requirements of this section.
  - (1) Art or hand craft studios.
  - (2) Direct sale product distribution (e.g., Amway, Avon, Tupperware, etc.).
  - (3) Mail-order or telephone sales.
  - (4) Dressmaker, seamstress, tailor, and similar uses.
  - (5) Typing and computer services.
  - (6) Repair services for computer hardware, clocks, jewelry, cameras, guns, and similar uses.
  - (7) Tutoring.
  - (8) Business or professional offices which have no more than two vehicles visiting the home occupation at any one time.
  - (9) Catering, subject to Health Department approval.
  - (10) In the RC and RR Districts only, lawn mower and small engine repair on lots of three acres or larger.
- i. The following uses are not permitted as home occupations:
  - (1) Vehicle repair, sales or rental.
  - (2) Restaurants.



- (3) Manufacturing and processing operations, other than production of handcrafts and similar activities.
  - (4) Furniture refinishing.
  - (5) Uses which require a conditional use in any residential zoning district.
- j. Certain home occupations which do not comply with the requirements of this section may be permitted as conditional use, subject to the provisions of Section 131.N.28 and other applicable regulations.

## 2. **Home-Based Contractors**

In the RC and RR Districts, and on lots larger than two acres in the R-ED, R-20, AND R-12 Districts, a home-based contractor shall be a permitted accessory use, provided that:

- a. The site shall have at least 60 feet of frontage on a public road.
- b. In addition to the commercial or unregistered vehicles which may be parked on the lot according to the accessory use requirements of the applicable zoning district, the following is allowed:
  - (1) In the RC and RR Districts, one additional commercial vehicle may be parked on lots larger than two acres.
  - (2) In the R-ED, R-20, and R-12 Districts, one additional commercial vehicle may be parked on lots larger than three acres.
- c. Employees who do not live on the lot may visit the lot for the sole purpose of picking up or returning vehicles or equipment. Such trips shall be limited to:
  - (1) In the RC and RR Districts, no more than four trips per day for lots two acres or less, eight trips for lots larger than two and less than three acres, and twelve trips for lots of three or more acres.
  - (2) In the R-ED, R-20, and R-12 Districts, no more than eight trips per day for lots larger than one acre.
- d. In addition to the employee visits allowed by Paragraph 2.c, one non-resident, full-time equivalent office employee, not to exceed two individuals, may work on site. Non-resident employees are not permitted to perform non-office functions (e.g. equipment repair, loading, etc.).
- e. No nonresident employees shall be on the lot and no commercial vehicles or equipment shall be taken from or returned to the lot between 7:00 p.m. and 6:30 a.m.
- f. The total area used for parking and storage of commercial vehicles, equipment and supplies, whether outdoors or indoors, shall be limited to the following:
  - (1) In the RC and RR Districts, no more than two percent of the gross lot area or 5,000 square feet, whichever is less.
  - (2) In the R-ED, R-20, R-12 and R-SC Districts, no more than two percent of the gross lot area or 1,000 square feet, whichever is less.
- g. Parking and storage areas shall be restricted as follows:
  - (1) In the RC and RR Districts, supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored

outdoors. Supplies stored outdoors must be screened from surrounding properties and roads by vegetation, fencing or other appropriate means. Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means.

- (2) In the R-ED, R-20, AND R-12 Districts, vehicles, supplies and equipment shall be parked or stored within a building, except that one commercial vehicle may be parked outdoors on lots of less than three acres, and two commercial vehicles may be parked outdoors on lots of three or more acres. Equipment and supplies may be stored on the commercial vehicles.

- h. All storage areas shall meet the accessory structure setback requirements, except that structures used for parking, storage or loading of commercial vehicles larger than 5.0 tons gross vehicle weight, or excavating, paving or similar construction equipment shall be at least 50 feet from all property lines and outdoor parking or storage areas for these items shall be at least 100 feet from property lines.
- i. No major repairs of vehicles or equipment shall be permitted on the lot. Major repairs include body work, engine rebuilding, painting, and similar activities.
- j. Where two or more adjacent lots are under common ownership and used as a single homesite, home-based contracting uses may be located on a different lot than the principal dwelling, if the Director of Planning and Zoning determines that this will allow more effective screening to be provided by using existing features of the site, or will result in decreased impacts on neighboring lots due to noise, dust or fumes. Parking surfaces, fencing and landscaping may be installed; however, no new accessory building shall be constructed and no existing accessory building shall be enlarged unless located on the same lot as the principal dwelling.
- k. A home-based contractor shall operate only upon approval of a permit by the Department of Planning and Zoning, based upon compliance with the requirements listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking and storage areas, screening, and driveways, and a description of the proposed use.
- l. Certain home-based contractors which do not comply with the requirements of this section may be permitted as conditional uses, subject to the provisions of Section 131.N.27 and other applicable regulations.

#### **D. Temporary and Seasonal Uses**

##### **1. Temporary Field or Sales Offices**

In all zoning districts, on application to the Department of Planning and Zoning, a permit may be issued for the use of a trailer or building as a temporary field or sales office in connection with building development for which a final plat has been recorded, a site development plan has been approved or a building permit has been issued. Neither the trailer nor the building shall be used for living or sleeping, unless for overnight security purposes. A trailer approved under this section and accessory parking may encroach into a required front setback from a street that has not yet been dedicated to the County. The trailer and parking must be removed or relocated to comply with the front setback before the street is dedicated.

The use of a trailer for office or sales purposes shall be permitted only in accordance with this Section. Modular office buildings, however, are allowed in zoning districts in which offices are a permitted use.

2. **Temporary Mobile Homes**

In all residential districts and in residential land use areas of the NT, PGCC and MXD Districts, a permit may be issued for the use of a mobile home as a temporary residence on a lot where a dwelling was destroyed by fire or natural calamity. The mobile home may be used for a period of time not to exceed one year. This provision shall not apply to a lot where a dwelling was intentionally demolished.

3. **Carnivals and Fairs**

In districts where it is enumerated as a use permitted as a matter of right, a carnival or fair sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations shall be permitted, provided that:

- a. The operator shall obtain all permits required by County or State law;
- b. Such use shall operate for a period of time not to exceed 16 days per event;
- c. All structures, materials and equipment shall be completely removed from the lot within seven days of the closing of the carnival or fair;
- d. A carnival or fair shall not be held more than once in any 30 day period at the same location.
- e. Nonprofit shall mean that no part of the net earnings inure to the benefit of a private individual, but all net earnings are exclusively devoted to charitable, social, civic or educational purposes.

4. **Sale of Christmas Trees**

In districts where the use is permitted as a matter of right, sale of cut Christmas trees or other seasonal decorative plant materials between Thanksgiving and January first shall be permitted, provided that:

- a. Adequate off-street parking is provided;
- b. The use will not cause traffic problems in the surrounding area; and
- c. A permit for the use is approved each year by the Department of Planning and Zoning, based upon compliance with the requirements listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas and points of access.

5. **Snowball Stands**

In districts where it is enumerated as an accessory use, a snowball stand shall be permitted provided that:

- a. The use shall be limited solely to the sale of snowballs;
- b. The floor area of the structure shall be no greater than 200 square feet in a nonresidential zoning district, 100 in the RC and RR districts and 50 square feet in all other residential zoning districts;

- c. The use shall operate only between May 1 and October 1;
- d. In addition to the parking required for the dwelling, at least one off-street parking space shall be provided for each 25 square feet of the snowball stand;
- e. Notwithstanding the minimum front setback requirement of the district, the minimum front setback requirement for snowball stands shall be 25 feet;
- f. There shall be no outside storage of materials or equipment related to the operation; and,
- g. An annual permit for the use is OBTAINED AND approved EACH YEAR by the Department of Planning and Zoning prior to the beginning of operation and sales, based upon compliance with the requirements listed above. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas and points of access.
- h. All snowball stands established prior to April 13, 2004, shall not be deemed a lawful, nonconforming use.

**6. Acceptance of Off-site Land Clearing Debris**

In districts where it is enumerated as an accessory use, the acceptance or disposal of land clearing debris shall be permitted under a permit issued by the Department of Planning and Zoning, provided that:

- a. The disposal of land clearing debris shall be for the purpose of farmland reclamation only;
- b. The Howard Soil Conservation District shall verify in writing that the proposed use is for farmland reclamation purposes, and said reclamation shall be done in conformance with a Soil Conservation and Water Quality Management Plan for the farm approved by the Howard Soil Conservation District;
- c. Any temporary use permit issued by the Department of Planning and Zoning shall be for a specific period of time;
- d. The area so reclaimed shall consist of natural gullies and erosion scars, typically not more than 50 feet in width and 1200 feet in length.

The Department of Planning and Zoning shall evaluate the site and may impose limits upon the total planned fill area to be reclaimed, and the daily volume of debris to be accepted or disposed of. Any use which requires a permit under State regulations shall not be considered an accessory use and shall require conditional use approval.

**7. Motor Vehicle Storage in Residential Districts**

In residential districts, off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except that:

- a. Parking or storage of such vehicles shall be permitted provided the vehicles are within a completely enclosed building or are not visible from ground level from any adjacent properties or public street rights-of-way. An unregistered, inoperable, wrecked,

dismantled, or destroyed motor vehicle placed under a tarp or car cover shall not be considered to be screened.

- b. In addition, one such vehicle per calendar year may be parked or stored outside, in a location visible from adjacent properties or streets, provided the vehicle is:
  - (1) Recently purchased, pending inspection, for up to 180 days; or
  - (2) Being advertised for sale, for up to 180 days; or
  - (3) Being actively repaired or restored for up to 180 days, or for an extension of this period approved in writing by the Department of Planning and Zoning after an application is received showing good cause; or
  - (4) Being held pending settlement of insurance, estate or similar claims.
- c. All such vehicles must be owned by a resident of the property and used in connection with or in relation to a principal use permitted as a matter of right in the district.
- d. Vehicles made nonconforming by Zoning Board Case No. 954R shall be removed within six months of August 22, 1994. Historic vehicles as defined under Section 13-936 of the Transportation Article of the Annotated Code of Maryland and made nonconforming by ZRA-5, shall be removed by November 6, 1996.
- e. Vehicles designed or utilized for farming operations, as defined in Section 13-935 of the Transportation Article of the Annotated Code of Maryland as amended, shall be exempt from these provisions.

## **E. Communication Towers and Antennas**

### **1. Satellite Dish Antennas**

- a. No zoning requirements are imposed on satellite dish antennas with a diameter of one meter or less.
- b. The following requirements apply to antennas with a diameter greater than one meter:
  - (1) One satellite dish antenna per lot shall be allowed as an accessory use in all residential zoning districts and in residential areas of the PGCC, NT and MXD Districts, subject to the following requirements:
  - (2) The location of a satellite dish antenna shall be dependent on the reception of usable satellite signals. Usable satellite signals shall be those signals from the major communication satellites which, when viewed on a conventional television set, are at least equal in picture quality to that received from local commercial television or cable television.
  - (3) Where usable signals can be obtained, the antenna shall be ground-mounted and located in the rear yard. If usable signals cannot be obtained from a rear yard location, the antenna shall be ground-mounted and located in a side yard. If usable signals cannot be obtained from a side yard location, the antenna may be mounted on a pole or any other structure which is set back a minimum distance from all property lines equal to the height of the total structure as measured from ground level. In no event shall a satellite dish antenna be located in the front yard.
  - (4) A satellite dish antenna shall comply with the required side and rear setbacks for the zoning district in which the antenna is located, except that for single-family attached lots the minimum side and rear setback shall be five feet.

- (5) Screening, consisting of a privacy fence, evergreen plantings, landscaped earth mound or comparable means approved by the Department of Planning and Zoning, shall be provided along the rear and sides of any ground-mounted satellite dish antenna, when such antenna is visible from the street or surrounding property as viewed from ground level.

## **2. Supplementary Regulations for Communication Towers**

The following requirements are in addition to the requirements of the applicable zoning districts. The setback requirements given below are subject to the provisions of these regulations for variances and administrative adjustments.

- a. Setbacks for communication towers in residential districts and residential land use areas of the PGCC and MXD Districts:
  - (1) From public street rights-of-way and other residentially-zoned lots: a minimum distance equal to the tower height (including antennas) measured from ground level.
  - (2) From non-residentially-zoned lots: a minimum distance equal to 50 feet or one-third of the tower height (including antennas) measured from ground level, whichever is greater.
- b. Setbacks for communication towers in the POR, PEC, B-1, B-2, SC, BR, M-1 and M-2 Districts, and in employment land use areas of the PGCC and MXD Districts:
  - (1) From residential districts: a minimum distance equal to half the tower height (including antennas) measured from ground level.
  - (2) From public street rights-of-way: a minimum distance equal to 50 feet or one-third of the tower height (including antennas) measured from ground level, whichever is greater.
- c. Each 5th year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the Electronics Industries Association Standard Reference Number 222E as referenced in the Howard County Building Code, and Radiation Level Inspection of the Facility and, within 60-days of the inspection, file a report with the Director of Inspections, Licenses and Permits, and the Health Officer.

## **3. Additional Requirements for Communication Towers Permitted as a Matter of Right**

- a. Communication towers shall be gray or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.
- b. No signals or lights shall be permitted on towers unless required by the Federal Communications Commission or the Federal Aviation Administration.
- c. A communication tower that is no longer used shall be removed from the site within one-year of the date that the use ceases.

## **4. Commercial Communications Antennas Attached to Structures**

In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, OT, NT, PGCC, and MXD Districts, antennas for commercial communications and associated unmanned equipment buildings are permitted as a matter of right subject to the following standards:

- a. The antenna is attached to the roof or sides of a building at least 35 feet in height, an existing communication tower, a water tank or a similar structure provided that the antenna shall be gray or a color that minimizes visibility consistent with Federal Communication Commission or Federal Aviation Administration Regulations.
- b. The following antennas are permitted under the provisions of this Section:
  - (1) Omnidirectional or whip antennas no more than 7 inches in diameter and extending no more than 20 feet above the structure to which they are attached: or
  - (2) Panel antennas no more than 2 feet wide and 6.5 feet long, extending above the structure to which they are attached by no more than 20 feet: or
  - (3) Microwave dish antennas, not exceeding eight feet in diameter.
- c. Dish antennas mounted on a building shall be located or screened so as not to be visible from abutting public streets.
- d. The standards for the equipment buildings are as follows:
  - (1) The maximum floor area is 600 square feet and the maximum height is 12 feet.
  - (2) Ground-level buildings shall be screened from adjacent properties by landscape plantings, fencing or other appropriate means.
  - (3) Equipment buildings mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof-mounted antennas may also be located within the building on which the antennas are mounted.
- e. Equipment buildings, antennas and related equipment shall occupy no more than 25 percent of the total roof area of a building.
- f. No signals or lights are permitted unless required by the Federal Communications Commission or the Federal Aviation Administration.
- g. Antennas or equipment buildings not meeting these standards require a conditional use in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH and PGCC Districts pursuant to Section 131.N.14A. In the NT and MXD Districts, the use must be approved on a Comprehensive Sketch Plan or Final Development Plan, as applicable.

## **5. Amateur Radio Communication Towers**

Communication towers for amateur (ham) radio are permitted accessory uses in residential districts. Amateur radio communication towers are subject to all requirements of Section 128.E.2 and 128.E.3, except the requirement of Section 128.E.2.c for safety inspections.

## **F. Private Use of Government Facilities**

In all districts, government facilities may be made available for non-government uses such as community meetings, recreation or day care programs, religious activities, and similar uses, provided such uses are secondary to the government use.

## **G. Traditional Residential Neighborhoods**

The following regulations may be applied to developments of at least 20 acres in the R-ED, R-SC, R-SA-8 and R-A-15, and R-MH Districts which are Traditional Residential Neighborhoods as defined in Section 103.A.141.

1. **Purpose**

This section is intended to allow the concepts of the traditional neighborhood design (TND) approach to be applied to developments which are entirely or primarily residential. The MXD District provides opportunity for the creation of full-fledged TND developments, which incorporate residential, retail, service, employment and civic land uses. However, many TND elements can also be applied to residential developments to produce attractive, livable neighborhoods. The alternative bulk regulations and use provisions established in this section provide the flexibility necessary for traditional neighborhood design.

2. **Permitted Uses**

Uses permitted as a matter of right, accessory uses, and conditional uses shall be as indicated in the applicable section of these regulations, except that accessory apartments shall be permitted accessory uses in any Traditional Residential Neighborhood subject to the following conditions:

- a. The area of the lot shall be at least 8,000 square feet, unless the accessory apartment is located in a Traditional Residential Neighborhood within a R-MH (Residential: Mobile Home) District. (Amended Council Bill 62-1997 (ZRA-13), effective 12/8/97).
- b. The accessory apartment shall have no more than two bedrooms.

3. **Bulk Regulations**

All bulk requirements for the R-ED, R-SC, R-SA-8 and R-A-15, and R-MH Districts shall remain applicable, with the following exceptions:

- a. Except as provided in subparagraphs E(1) and F, the minimum setback for structures in single-family detached subdivisions within Traditional Residential Neighborhoods shall be 30 feet from the project boundary or from an external public street right-of-way, in lieu of the required setbacks from project boundaries or public street rights-of-way indicated in the applicable zoning district.
- b. The required front or side setback from any internal public street right-of-way, regardless of the classification of the street, shall be 0 feet for all structures.
- c. The required side or rear setback from an alley right-of-way shall be 0 feet for accessory structures.
- d. Except as provided in subparagraph E(1), the required setbacks from lot lines for principal structures in all development projects except single-family attached residential developments shall be as follows:
  - (1) Side.....5 feet  
Except zero lot line dwellings .....0 feet  
A minimum of 10 feet must be provided between structures.
  - (2) Rear .....10 feet
- e. The required bulk regulations for an R-MH mobile home development developed as a traditional residential neighborhood, having irredeemable ground leases, proposed for subdivision, and subdivided are as follows:



- (1) The lot size, lot coverage, lot width, setback requirements for existing structures form the project boundary, setback requirements from proposed lot lines prior to subdivision, setback requirements from lot lines after subdivision, and the minimum distance between structures shall be in accordance with an as-built site development plan. The as-built site development plan shall be filed in conjunction with the record plat and shall be:
    - (a) Signed and sealed by the registered professional preparer as required by the Department of Planning and Zoning for original site development plans; and
    - (b) Approved by the Department of Planning and Zoning.
  - (2) After the record plat is recorded, the construction of any enclosed addition which increases the gross floor area of the building shall be subject to the side and rear setback requirement listed in subparagraph D.
  - (3) After the record plat is recorded, the construction of any unenclosed porch or deck shall be subject to a determination by the Department of Planning and Zoning, on a case-by-case basis, as to whether the addition increases the gross floor area. If the Department determines that the gross floor area will increase, the addition shall be subject to setback requirements as set forth in the Building Code at Title 3, Subtitle 1 of the Howard County Code and shall not be subject to the specific setback requirements of this section. [Council Bill 30-2004 (ZRA-51), effective August 10, 2004]
- f. The required setbacks from side or rear lot lines for accessory structures on lots improved by single-family detached dwellings shall be as follows:
- (1) Detached accessory garages or sheds .....0 feet
  - (2) Other accessory structures
    - (a) Side.....5 feet
    - (b) Rear ..... 10 feet

#### 4. **Other Provisions**

The following additional requirements shall apply in Traditional Residential Neighborhoods:

- a. Off-street parking lots and garages shall be located to the side or rear of the principal structure.
- b. A minimum of 20 percent of the required open space shall be devoted to squares and small, formal parks. At least 25 percent of the perimeter of each square or formal park shall front on a street or private drive, provided that public access shall be provided along the entire distance of such required frontage on a private drive.

#### 5. **Alternative CC District Regulations**

- a. In addition to the uses listed in Section 117.C, dwelling units shall be permitted as a matter of right in CC Districts located within a Traditional Residential Neighborhood, provided that the dwellings are located within the same building as a business establishment and are limited to 50 percent of the floor area of the building.

- b. The following structure and use setback requirements shall apply to a CC Districts located within a Traditional Residential Neighborhood, in place of the setback requirements given in Section 117.E.2:
  - (1) From boundary of Traditional Residential Neighborhood and from external public street right-of-way .....30 feet
  - (2) From internal street right-of-way .....0 feet  
Except parking, loading and outdoor storage areas..... 10 feet
  - (3) From residentially zoned lots within the Traditional Residential Neighborhood.....20 feet

## H. **Adult Entertainment Businesses**

### 1. Purpose

These requirements are intended to allow suitable locations for adult entertainment uses while limiting their adverse secondary impacts on the community. Studies from other jurisdictions in the United States have demonstrated that adult entertainment uses, particularly when clustered in a particular area, are associated with increased crime levels, depreciation of property values, neighborhood deterioration and negative perceptions of neighborhood character. To lessen and control these impacts, to limit exposure to adult entertainment uses by children, and to control the spread of sexually transmitted diseases, these requirements require dispersal of adult entertainment uses and place certain other restrictions on their location and arrangement.

### 2. Location

Adult entertainment businesses are permitted in districts where they are listed as a use permitted as a matter of right, or in the NT or MXD districts where allowed by the applicable approved preliminary development plan, comprehensive sketch plan or final development plan. The building containing an adult entertainment business shall be located:

- a. At least 1,000 feet from any other building containing an adult entertainment business. Only one adult entertainment business is allowed per building.
- b. At least 300 feet from residential or PGCC zoning districts, provided the zoning district existed prior to establishment of the adult entertainment business.
- c. At least 300 feet from residential areas of the NT district and from NT open space lots that abut or are separated only by a street right-of-way from a residential district or a residential area of the NT district. This requirement applies if the residential or open space land is shown a final development plan recorded prior to establishment of the adult entertainment business.
- d. At least 300 feet from residential areas of the MXD, TOD or CAC districts and from open space areas that abut or are separated only by a street right-of-way from a residential district or a residential area of the MXD, TOD or CAC district. This requirement applies if the residential or open space land is shown on a sketch plan or site development plan approved prior to establishment of the adult entertainment business.
- e. At least 300 feet from the boundary of a parcel or lot occupied by an academic school (nursery through high school level), child day care center, religious facility as the principal use, public library, public park or public recreational facility, provided the use existed prior to the establishment of the adult entertainment business.

- f. Measurements shall be made in a straight line between the building containing the adult entertainment business and:
  - (1) The building containing the other adult entertainment business pursuant to subsection a above; or
  - (2) The zoning district pursuant to subsection b above; or
  - (3) The land use area shown on the final development plan or the site development plan pursuant to subsections c and d above; or
  - (4) The boundary of the parcel or lot occupied by the particular uses pursuant to subsection e above.
3. Interior Arrangement

The interior of the establishment shall be arranged so that employees and customers can observe all areas open to customers. Viewing booths shall not be equipped with curtains, doors, or any other device that allows a booth's interior to be screened from the view of employees or other customers.
4. Outside Display or Visibility

No merchandise, material or performance depicting or describing sexual activity or nudity, as defined in Section 103.A.5, shall be visible from outside the adult entertainment business.
5. Amortization
  - a. Except as provided in subsection (b) below, an adult entertainment business lawfully established prior to the effective date of these requirements shall conform to all of the requirements set forth herein on or before thirty days after the effective date of these requirements.
  - b. An adult entertainment business lawfully established prior to the effective date of these requirements must conform to the permitted use and locational requirements set forth in Section 128.H.2. on or before one year after the effective date of these requirements.
6. Required Permit
  - a. A zoning permit is required for any adult entertainment business prior to commencing operation of the business. The business owner(s) must apply for a zoning permit from the Department of Planning and Zoning. The permit application shall indicate the address and location of the building to be occupied by the business as well as floor plans or other information that will enable the Director of Planning and Zoning to determine whether the use will comply with paragraphs H.3 and H.4 of this section. The permit application shall also include the name and address of an owner of the business. If the owner of the business is not a natural person, the permit application shall also include the name and address of a resident agent or other individual authorized to accept service of process for the applicant.
  - b. The Director of Planning and Zoning shall act on the permit application within 30 days of receipt of the application by the Department of Planning and Zoning. The permit shall be approved if the use complies with paragraphs H.2 through H.4 of this section.

The applicant may, at his or her own risk, commence operation of the adult entertainment business after applying for the zoning permit but before the permit is approved. However, if the Director of Planning and Zoning subsequently denies the permit because the business does not comply with paragraph H.2 of

this section, the business must cease operating. If the Director of Planning and Zoning denies the permit because the use does not comply with the requirements of paragraphs H.3 or H.4, the applicant must cease operating or bring the use into compliance with those requirements. If the applicant files a legal challenge in any administrative or judicial forum, the business may continue to operate pending the outcome of the legal challenge. [Council Bill 50-2004 (ZRA-45), effective September 27, 2004]

#### **I. Value-Added Agricultural Processing**

Value-added processing of agricultural products is permitted as an accessory use to farming in the RC and RR Districts, provided that:

1. The primary product being processed is grown on the farm where the processing occurs. Necessary secondary ingredients that are not farm grown, however, may be obtained from other sources.
2. The processing use is subordinate to and will support the agricultural use of the property, and will not have significant adverse impacts on neighboring properties.
3. The use occupies existing buildings and any outdoor area does not exceed 1/4 acre, including parking, display and other outdoor areas.
4. Any outdoor processing operation shall be located at least 100 feet from property lines.
5. A permit is approved by the Department of Planning and Zoning, based on compliance with the requirements of this subsection.
  - a. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas, driveways and landscaping if necessary to buffer adjacent residential development.
  - b. The permit shall be issued for a three year period. The permit holder must apply for renewal every three years, providing an up-to-date plot plan that indicates any proposed changes.
  - c. The permit shall be renewed provided the operation continues to comply with the applicable requirements.

#### **J. Direct Farm Marketing and Agritourism Enterprises**

1. Farm stands are permitted as an accessory use to farming in the RC, RR, R-ED, R-20, R-12 and R-SC Districts, provided that:
  - a. The use may include the retail sale of crops, produce, flowers, plants, livestock and poultry products and similar items grown or produced on-site. Items produced through value-added processing of products grown on the farm may also be sold.
  - b. Notwithstanding the front setback requirements of the applicable zoning district, the minimum front setback for farm stands is 25 feet.
  - c. Adequate off-street parking is provided.
  - d. The minimum lot size for a farm stand with no more than 300 square feet of area is 5 acres.

- e. A farm stand with more than 300 square feet of area is allowed to sell farm products produced both on and off-site if the property is in the RC or RR District, provided that:
    - (1) The use is located on a parcel of at least 50 acres or a parcel of any size if subject to an agricultural land preservation easement or a preservation parcel easement.
    - (2) The area of the farm stand does not exceed 500 square feet, plus an additional 500 square feet for each additional 25 acres of lot area beyond 50 acres, up to a maximum of 3,000 square feet of area.
    - (3) At least 51% of the items sold, measured by either weight or volume, are grown or produced on the farm or on land under the same ownership as the farm on which the farm stand is located.
    - (4) Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
    - (5) Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
    - (6) A permit is approved as provided in subsection J.4 of this section.
    - (7) The site has frontage on and direct access to a collector or arterial road as designated in the General Plan.
2. Pick-Your-Own Enterprises
- Pick-your-own produce operations and cut-your-own Christmas tree or flower operations are permitted as accessory uses to farming in the RC and RR Districts, provided that:
- a. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
  - b. Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
  - c. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
  - d. Incidental uses such as snack sales or hayrides to the produce fields are permitted.
  - e. A permit is approved as provided in subsection J.4 of this section.
  - f. The site has frontage on and direct access to a collector or arterial road as designated in the General Plan
3. Agritourism Enterprises
- Agritourism enterprises are permitted as accessory uses to farming in the RC and RR Districts, provided that:
- a. The use is located on a parcel of at least 100 acres, or on a parcel of any size if subject to an agricultural land preservation easement or a preservation parcel easement.
  - b. The use is subordinate to and supports the agricultural use of the property and will not have significant adverse impacts on neighboring properties.

- c. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
  - d. Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
  - e. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
  - f. The use will operate only between the hours of 6 a.m. and 10 p.m. Any outdoor lighting shall comply with the requirements of Section 134.
  - g. Agritourism uses may include festivals or similar events held for the purpose of marketing products grown on the farm or farm-related education or recreation, provided the site has direct access to a road classified as a collector or arterial highway, and festivals are limited to no more than 4 per year and no more than 8 days per year.
  - h. A permit is approved as provided in Subsection J.4 of this Section.
4. Permit Requirements

Farm stands larger than 300 square feet, pick your own enterprises, and agritourism enterprises require a permit approved by the Department of Planning and Zoning based on compliance with the requirements for the specific use.

- a. The permit application shall include a plot plan showing the location and dimensions of structures, parking areas, driveways and landscaping if necessary to buffer adjacent residential development.
- b. The permit shall be issued for a three-year period. The permit holder must apply for renewal every three years, providing an up-to-date plot plan that indicates any proposed changes.
- c. The permit shall be renewed provided the operation continues to comply with the applicable requirements.

## **SECTION 129: Nonconforming Uses**

### **A. General**

A nonconforming use is any lawful existing use, whether of a structure or a tract of land, which does not conform to the use regulations of the zoning district in which it is located, either on the effective date of these regulations or as a result of any subsequent amendment thereto. A structure that is conforming in use but which does not conform to the height, setback, land coverage, parking, loading space or other bulk requirements of these regulations, shall not be considered to be nonconforming within the meaning of these regulations. No existing use shall be deemed nonconforming solely because of the existence of nonconforming accessory signs. The casual, temporary or illegal use of land is insufficient to establish the existence of a nonconforming use.

For the purposes of these regulations, "enlargement" shall mean the increase in size of any structure containing a nonconforming use, the construction of an additional structure on the same lot, or an increase in the land area occupied by a nonconforming use. "Extension" shall mean any change in the types of activities taking place in connection with the nonconforming use.

### **B. Restrictions on Nonconforming Uses**

The nonconforming use of land or structures may be continued, subject to the following:

1. Except as provided in Sections 129.B.3 and 129.E:
  - a. No nonconforming use shall be extended or enlarged to occupy more land area or more area within a building than that occupied by the use at the time it became nonconforming;
  - b. No structure which contains a nonconforming use shall be enlarged unless the use therein is changed to a conforming use or the new portion of the structure is used for a conforming use; and
  - c. No structure which contains a nonconforming use shall be structurally altered unless such alterations are required by law; provided however, that such maintenance and repair work as is required to keep a nonconforming structure in sound condition shall be permitted.
2. In no event shall a nonconforming use be:
  - a. Enlarged or relocated to occupy an adjacent lot, or
  - b. Changed to another nonconforming use.
3. The following exceptions shall be permitted if approved by the Department of Planning and Zoning:
  - a. A nonconforming single-family dwelling, located on a lot recorded prior to the effective date of the zoning text or map amendment that made it nonconforming, may be altered, renovated or enlarged under the provisions of the zoning regulations in effect for the lot immediately prior to the date on which the dwelling became nonconforming.
  - b. A structure which contains a nonconforming use may be altered or enlarged in order to provide restrooms or other facilities required by the Americans with Disabilities Act.

- c. The relocation or construction of minor structures which are part of a lawful non-conforming use is permitted if such relocation or construction does not significantly affect the function, dimensions or value of the non-conforming use. No such relocation or construction may create a new non-conforming use or violation of the bulk regulations.
- d. Within a nonconforming mobile home park, mobile homes may be replaced and additions or extensions to mobile homes may be built subject to the following provisions:
  - (1) The number of mobile homes in the park shall not be increased above the number existing on the date the use became nonconforming unless an enlargement of the use is approved by the Hearing Authority.
  - (2) The mobile home park shall be subject to the bulk requirements of the R-MH District for mobile home parks (Section 113.D) rather than the bulk requirements of the district in which it is located.
  - (3) Mobile homes and other structures that existed on May 6, 1996, but do not meet the minimum bulk requirements of the R-MH District, are subject to the requirements of Section 113.E, "Noncompliance with Setback Requirements in Existing Mobile Home Parks."
- 4. If any nonconforming use of land or structure, or any portion thereof, either ceases for any reason for a period of more than two years, or is changed to a conforming use, then any future use of such land or structures shall be in conformity with the standards specified by these regulations for the Zoning District in which such land or structure is located.

#### **C. Replacement of Destroyed Nonconforming Structures**

If any structure containing a nonconforming use is destroyed by fire, flood or other calamity, it may be immediately restored and the nonconforming use continued as a matter of right to the same size and dimensions and in the same location as the destroyed building on the same lot, subject to the provisions of Section 129.B.1.a and b, without application to the Hearing Authority, provided that a building permit for restoration is issued within one year from the date upon which such building was destroyed, and further provided that construction pursuant to said building permit begins within six months after the date of issuance of such permit, and is substantially completed within one year. The building permit shall be revoked if these conditions are not met. Nothing contained herein shall be deemed to permit the intentional demolition and reconstruction of any building containing a nonconforming use by owner or occupant. Nothing in these regulations shall prevent the strengthening of or restoring to a safe condition any building declared to be unsafe by the Department of Inspections, Licenses and Permits.

#### **D. Confirmation of Nonconforming Uses**

- 1. The factual existence of a nonconforming use may be confirmed by the Director of Planning and Zoning, or the Director's Designee, upon review of a petition filed by the property owner. The petition shall contain the following:
  - a. A statement and plans or other illustrations fully describing the magnitude and extent of the nonconforming use.
  - b. A statement identifying the date the use became nonconforming to the use provisions of the Zoning Regulations.
  - c. Documentation substantiating the existence of the use on the date it became nonconforming and clearly demonstrating the continued and uninterrupted use or operation thereof from the specified date to the time of filing the application. The burden shall be on the property owner to establish the existence of the nonconforming use.



2. Whenever the Department of Planning and Zoning issues a zoning violation notice alleging the illegal use of property, the owner may raise as a defense the fact that the alleged illegal use is a nonconforming use. If such a defense is raised, the owner shall also seek confirmation that the use is nonconforming and shall submit a petition which includes all of the information required by Section 129.D.1.a. above. At the property owner's discretion, such a petition may be filed with either the Department of Planning and Zoning as provided herein or the Hearing Authority.

If the owner chooses to file the petition with the Hearing Authority, the petition shall be advertised and the property posted with the time, date and place of the initial hearing for at least 30 days immediately before the hearing, in accordance with the advertising and posting requirements of Section 2.203 of the Howard County Code. In its Decision on such a petition, the Hearing Authority may determine and confirm the existence of the nonconforming use pursuant to its original jurisdiction.

3. Petitions for confirmation of a nonconforming use filed with the Department of Planning and Zoning shall be heard in accordance with the procedures given in Section 100.H.
4. The decision of the Director of Planning and Zoning or the Director's Designee is appealable to the Hearing Authority on a de novo basis.

**E. Extension, Enlargement or Alteration of Nonconforming Uses**

1. The Hearing Authority may authorize the extension or enlargement of a nonconforming use or the alteration of a structure containing a nonconforming use, with or without conditions, provided:
  - a. That any changes or additions to the activities taking place in connection with the nonconforming use will not change the use in any substantial way;
  - b. That an enlargement may not exceed 100 percent of the gross floor area of structures or 100 percent of the gross acreage in the case of nonconforming land, above that which legally existed at the time the use first became nonconforming;
  - c. That the outdoor land area occupied by a nonconforming use may be enlarged only to provide additional parking area;
  - d. That an enlargement would not cause a violation of the bulk regulations for the zoning district in which the property is located;
  - e. That the extension, enlargement or structural alteration would not cause an adverse effect on vicinal properties.
2. A Decision and Order approving an extension or enlargement of a nonconforming use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the decision. An approval for which a building permit is not required shall become void unless the extension or enlargement is implemented within two years from the date of the decision. If a decision is appealed, the time period shall be measured from the date of the last decision.



## **SECTION 130: Hearing Authority**

### **A. General**

1. The Hearing Authority has been established pursuant to Section 501 of the Howard County Charter.
2. Section 16.302 of the Howard County Code authorizes the Hearing Examiner to hear and decide certain matters within the scope of these regulations. The County Code specifies which matters are within the jurisdiction of the Hearing Examiner. The term “Hearing Authority” is used in these regulations to refer to both the Board of Appeals and the Hearing Examiner.
3. Appeals to the Hearing Authority may be taken by any person aggrieved, or by any officer, department, Board or bureau of the County affected by any decisions of the Department of Planning and Zoning. Such appeal shall be filed not later than 30 days from the date of the action of the Department of Planning and Zoning and shall state the reasons for the appeal.
4. Except as herein provided, if an application is disapproved by the Hearing Authority, thereafter the Hearing Authority shall take no further action on another application for the same or substantially the same proposal on the same premises until after 24 months from the date of the last disapproval; provided however, that a subsequent application for the same or substantially the same proposal on the same premises may be filed at the expiration of six months of the date of the hearing last held if accompanied by an affidavit setting forth new and different grounds, which the applicant believes would be sufficient for the approval of the proposal contained in the application. After having considered the said application and the facts alleged in the accompanying affidavit, the Hearing Authority may, after the notice required herein, grant another hearing, provided it is satisfied that new and different grounds or conditions exist which would have a bearing on the consideration of said proposal and would justify another hearing.

### **B. Powers of the Hearing Authority**

The Hearing Authority shall have the following powers related to zoning:

#### **1. Nonconforming Uses**

As provided in Section 129.

#### **2. Variances**

- a. The Hearing Authority shall have the authority to grant variances from the parking requirements and bulk regulations established in these regulations where all of the following determinations are made:
  - (1) That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.
  - (2) That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.

- (3) That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.
- (4) That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.
- (5) That no variance be granted to the minimum criteria established in Section 131 for conditional uses, except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131 except as provided therein.

b. Application and Public Hearing

- (1) Applications for variances shall be submitted to the Department of Planning and Zoning.
- (2) The Hearing Authority shall hold at least one public hearing on the application in accordance with Section 2.203 of the Howard County Code and may approve, disapprove or approve with conditions the requested variance. Each decision by the Hearing Authority shall be in writing and shall state the reasons for the decision.

c. Conditions or Restrictions

The Hearing Authority may attach conditions or restrictions to a variance as it deems necessary in the specific case, in order to minimize the adverse effects of the variance upon other property in the neighborhood. Such conditions or restrictions shall be incorporated in the Building Permit and Use and Occupancy permit. Failure to comply with such conditions or restrictions shall constitute a violation of these regulations, and may constitute the basis for denial or revocation of a Building Permit or a Use and Occupancy Permit.

d. Petition to Modify Conditions of Approval of a Variance

A property owner may petition the Hearing Authority for modification of a condition imposed in a Decision and Order approving a variance in accordance with the following procedures:

- (1) A petition for modification of conditions shall be submitted in the same format and include the same information as a variance petition. The petition shall clearly indicate the approved variance, the requested modifications, and the reasons for the request.
- (2) The Hearing Authority shall hold a public hearing in accordance with the procedures for a hearing on a variance petition. The public hearing shall be limited to consideration of the modification requested by the petitioner.
- (3) The Hearing Authority shall issue a written decision either modifying or upholding the condition(s) imposed in the original Decision and Order.
- (4) After a decision is made, a new petition requesting modification of any of the conditions of approval shall not be accepted for at least 24 months after the date of the decision modifying or upholding the conditions of the original Decision and Order.

e. **Lapse of Variances**

A variance shall become void unless the required permits conforming to plans for which the variance was granted are obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the Decision and Order. A variance that is granted to allow recordation of a final plat shall become void unless the plat is recorded in the Land Records of Howard County within three years from the date of the Decision and Order.

3. **Temporary Uses**

The Hearing Authority shall hear appeals from decisions of the Director of Planning and Zoning on temporary use petitions. Appeals must be made no later than 30 days after the date of the decision of the Director of Planning and Zoning. Appeals shall be heard by the Hearing Authority on the record.

4. **Appeals of Administrative Decisions**

To hear and decide appeals where it is alleged the Department of Planning and Zoning has erred in the interpretation or application of any provisions of the Zoning Regulations.

5. **Conditional Uses**

To approve conditional uses as to location as provided in Section 131.

C. **Limitations, Guides and Standards**

Where in these regulations certain powers are conferred upon the Hearing Authority, or the Hearing Authority is called upon to decide certain issues, such Hearing Authority shall examine the specific property involved and the immediate neighborhood. The application shall not be approved where the Hearing Authority finds that the proposed structure, addition, extension of structure or use, use or change of use, would menace the public health, safety, security, or general welfare, or would result in dangerous traffic conditions, or would jeopardize the lives or property of people living in the neighborhood. In deciding such matters, the Hearing Authority shall give consideration, among other things, to the following:

1. The number of people residing, working or studying in the immediate areas.
2. Traffic conditions including facilities for pedestrians, such as sidewalks and safety zones and parking facilities and the access of cars to highways.
3. The orderly growth of the community.
4. The reasonable needs of the entire community and particular neighborhoods.
5. The legislative intent of these regulations as provided in Section 100.A.
6. The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.
7. Facilities for sewers, water supply, solid waste collection and disposal and the ability of the County to supply such services.

8. Availability of fire-fighting equipment.
9. Decisions of the Circuit Court for Howard County and the Court of Appeals of Maryland.
10. The effect of such use upon the peaceful enjoyment of people in their homes.
11. The most appropriate use of land and structures.
12. The type and kind of structures in the vicinity where people are apt to gather in large numbers such as schools, churches, theaters, hospitals and the like.
13. The General Plan for Howard County including master plans for land use, highways, recreation and parks, schools, sewers, water, conservation and the like.
14. The effect of the proposed use or development on the natural, environmental or landscape resources of the site and adjacent sites, including such resources or features as historic resources, floodplains, wetlands, steep slopes and vegetation.

**D. Court Review**

1. Any person, persons, taxpayer, officer, department, board or office of the County, jointly or severally aggrieved by any decision of the Board of Appeals, may appeal to the Circuit Court for Howard County by petition, duly verified, setting forth that such decision of the Board is illegal, in whole or in part, and specifying the ground of the illegality.
2. Appeals to the Circuit Court shall be filed within 30 days from the day upon which the Board decides the matter from which the appeal is taken.
3. The Court shall grant the Board of Appeals and other proper parties a reasonable time to answer and shall require either the original papers or certified copies thereof, which constituted the entire record before the Board, to be filed with the Board's answer.
4. The Court may hear the appeal on the record, or if, in the opinion of the Court, additional testimony is required for the proper disposition of the case, the court may permit either or both sides to present additional testimony.
5. The Court shall hear the case without the intervention of a jury.
6. The Court may modify, reverse, or affirm, wholly or partly, or may remand for further consideration, any decision of the Board of Appeals. When a case is remanded for further consideration, the testimony, if any taken in court, shall be made available to the Board. The costs of preparing a printed record of such testimony shall be made a part of the costs of the case.
7. An appeal may be taken from the determination of the Circuit Court to the Court of Special Appeals of Maryland.

## **SECTION 131: Conditional Uses**

### **A. Statement of Legislative Intent**

Conditional uses are authorized in specified zoning districts based on the presumption that they are generally appropriate and compatible in the specified districts. However, particular uses in particular locations may have characteristics or impacts that are not typical. Conditional uses are not permitted automatically, but are subject to the regulations of this section and the conditions imposed by the Board of Appeals upon approval of the proposed development.

### **B. General Standards Required for Approval**

The Hearing Authority shall have the power to permit conditional uses, provided the following general standards are met:

1. The proposed conditional use plan will be in harmony with the land uses and policies indicated in the Howard County General Plan for the district in which it is located. In evaluating the plan under this standard, the Hearing Authority shall consider:
  - a. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site; and
  - b. If a conditional use is combined with other conditional uses or permitted uses on a site, whether the overall intensity and scale of uses on the site is appropriate given the adequacy of proposed buffers and setbacks.
2. The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the plan under this standard, the Hearing Authority shall consider whether:
  - a. The impact of adverse effects such as noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions will be greater at the subject site than it would generally be elsewhere in the zone or applicable other zones.
  - b. The location, nature and height of structures, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally in the zone or applicable other zones.
  - c. Parking areas will be of adequate size for the particular use. Parking areas, loading areas, driveways and refuse areas will be properly located and screened from public roads and residential uses to minimize adverse impacts on adjacent properties.
  - d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate.

### **C. Additional Standards Required in Certain Residential Districts**

The following standards shall apply to conditional uses proposed on land within residential developments in the R-ED, R-SC, R-SA-8, R-A-15, R-MH or R-VH Districts:

1. The Hearing Authority shall not approve a conditional use on land which was included in the density calculation for a residential development and which has no remaining residential development potential, based on the maximum density allowed in the zoning district.
2. The Hearing Authority may approve a conditional use on land which was included in the density calculation for a residential development, and which has development potential for at least one dwelling unit, if the Hearing Authority finds that:
  - a. The combination of uses within the development, including the residential, conditional use and open space uses, will result in an overall intensity of development which is in harmony with vicinal land uses and the policies of the Howard County General Plan.
  - b. The conditional use will not infringe on open space or result in damage or lack of protection for environmentally sensitive areas of the development.
  - c. No more than 30 percent of the parcel on which the conditional use is located will be covered by structures or impervious surface, including roads, parking lots, loading or storage areas, and sidewalks.

**D. Compliance with Specific Requirements for a Conditional Use**

1. A conditional use shall comply with the requirements for the specific use given in Section 131.N. Variances may not be granted to the requirements of Section 131.N except for modifications or expansions of existing conditional uses in accordance with Section 131.d.4 below.
2. Where a minimum lot size is given in Section 131.N for a conditional use, such a requirement shall not be deemed to prohibit the establishment of the conditional use on a lot which complies with the minimum area requirement and is also used for other conditional uses or uses permitted as a matter of right.
3. If more than one conditional use is located on a lot and the specific requirements of Section 131.N for the conditional uses are in conflict, the more stringent requirements shall apply to all conditional uses on the site.
4. The Hearing Authority may approve variances to the bulk regulations in Section 131. N, in accordance with the variance provisions of Section 130.B.2. for modifications and expansions of:
  - a. Existing conditional uses that were approved prior to the effective date of Council Bill No. 11-2001; and
  - b. Conditional uses filed on or before March 5, 2001, and approved after the effective date of Council Bill No. 11-2001.

**E. District Requirements**

All regulations of the zoning district in which a conditional use is located shall apply to such uses, except where:

1. The requirements for a conditional use given in Section 131.N specifically amend the zoning district requirements or are more stringent than the zoning district requirements; or
2. A variance to the zoning district requirements is granted in accordance with Section 130.B.2; or



3. The Hearing Authority as a condition of approval imposes requirements which are more stringent than the requirements of the zoning district.

**F. Pre-Submission Community Meeting, Petition and Public Hearing**  
[Council Bill 19-2002 (ZRA-35), effective 7/10/02]

1. A pre-submission community meeting is required prior to the initial submittal of a petition for a conditional use according to the following procedures:
  - a. The petitioner shall provide at least 2 weeks' written notice regarding the date, time, and location of the pre-submission community meeting to:
    - (1) All adjoining property owners as identified in the records of the Maryland Department of Assessments and Taxation, by mail; and
    - (2) The Department of Planning and Zoning, which will place the meeting notice on the Department's web site.
  - b. The petitioner shall post the property with posters provided by and at locations specified by the Department of Planning and Zoning, and shall make a reasonable effort to maintain the posters for at least the 2 weeks immediately prior to the meeting.
  - c. A certification of notice and posting and a summary of the issues expressed by residents at the pre-submission community meeting shall be transmitted by the petitioner to the Department of Planning and Zoning when the initial petition is filed.
  - d. The purposes of the pre-submission community meeting are to allow the petitioner to provide information to the community regarding the proposed conditional use and to allow community residents to ask questions and discuss any issues they have concerning the proposal.
  - e. If the petitioner does not submit the petition to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, the petitioner shall hold another pre-submission community meeting, subject to the same notification and posting requirements as the first pre-submission community meeting.
2. A petition for conditional use shall be submitted to the Department of Planning and Zoning and shall include:
  - a. A conditional use plan which shows all existing and proposed uses, structures, parking areas, points of ingress and egress, landscaping, and the approximate location of relevant natural features which, when required by the Department of Planning and Zoning, shall include wetlands, steep slopes, and tree and forest cover. [Council Bill 19-2002 (ZRA-35), effective 7/10/02]
  - b. Information regarding noise, dust, fumes, odors, lighting, vibrations, non-sewage solid waste, hazards or other physical conditions resulting from the use which may adversely impact vicinal properties.
  - c. A statement that indicates:
    - (1) Whether the property is served by public or private water and sewage disposal;
    - (2) That additional information can be obtained from the Howard County Health Department; and

(3) The current address of the Howard County Health Department.  
[Council Bill 19-2002 (ZRA-35), effective 7/10/02]

- d. Supporting documentation, such as traffic studies, market studies, and noise studies, may be required by the Department of Planning and Zoning or by these regulations.
  - e. For expansion or modification of an existing conditional use, the Department of Planning and Zoning may require information regarding compliance with previous requirements and conditions.
3. In accordance with Section 16.302 “Jurisdiction of Hearing Examiner” of the Howard County Code, the Department of Planning and Zoning shall transmit the application to the Hearing Examiner or the Planning Board. Based on the requirements of Section 131, the Planning Board shall make a recommendation on a conditional use petition heard by the Planning Board, for approval, approval with conditions or disapproval to the Hearing Authority.
  4. Department of Planning and Zoning’s Findings and Recommendations.
    - a. The Department of Planning and Zoning shall transmit its findings and recommendations concerning a conditional use petition to the Hearing Examiner or, if appropriate, the Planning Board, at least 7 days prior to the public hearing on a petition.
    - b. At any time any individual may submit a question to the staff of the Department of Planning and Zoning and related agencies concerning the findings and recommendations of the Department or related agencies. If a written response is requested, the question should be submitted in writing to the Department or Agency.
  5. During the hearing either party may direct a question concerning the findings and recommendations of the Department of Planning and Zoning or related agencies to the Hearing Authority, and the Hearing Authority shall determine whether staff of the Department or related agencies shall respond and the form of the response.
  6. A response by the Department of Planning and Zoning and related agencies to a question concerning the Technical Staff Report may be considered by the Hearing Authority only if the response is in writing.  
[Council Bill 19-2002 (ZRA-35), effective 7/10/02]
  7. The Hearing Authority shall hold at least one public hearing on the petition in accordance with Section 2.203 of the Howard County Code, and shall approve, disapprove or approve with conditions, the proposed development or use. Each decision by the Hearing Authority shall be in writing and shall state the reasons for the decision.

#### **G. Burden of Proof**

The applicant for a conditional use shall have the burden of proof, which shall be by a preponderance of the evidence and which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Hearing Authority or are required to meet any provisions of these regulations.

#### **H. Conditions of Approval**

1. If the conditional use is approved, the Hearing Authority may attach conditions to the proposed use or plan as it deems necessary to ensure continuous conformance with all applicable standards

and requirements. The conditional use plan, subject to such conditions, shall be made part of the decision and order of the Hearing Authority.

2. The Hearing Authority may place a time limit on a conditional use or may require renewal of the use after a certain time period as a condition of approval. On an application for renewal of a conditional use, the Hearing Authority shall determine whether the applicant has complied with the conditions and safeguards required by the Hearing Authority during the prior term. If the Hearing Authority finds that the applicant has been in substantial violation thereof, it shall deny the application for renewal. The Hearing Authority shall use the procedures given in Section 131.I.3.c(1) through (3) below in considering requests for renewal.
3. The use, development or maintenance of a conditional use site in violation of the conditional use plan, or of any conditions imposed by the Hearing Authority, shall constitute a violation of these regulations and shall be grounds for revocation of the conditional use.
4. The property owner or conditional use holder may petition the Board of Appeals for modification of conditions imposed by the Board in a Decision and Order approving a conditional use, in accordance with the following procedures:
  - a. A petition for modification of conditions shall be submitted in the same format and include the same information as a conditional use petition, clearly indicating the approved conditional use, the requested modifications, and the reasons for the request.
  - b. A petitioner shall certify that a copy of a request for modification of a condition to a conditional use Decision and Order has been sent by certified mail to adjoining property owners identified in the records of the Maryland Department of Assessments and Taxation and the parties of record, whose addresses shall be maintained by the secretary to the Hearing Authority.  
[Council Bill 19-2002 (ZRA-35), effective 7/10/02]
  - c. The Hearing Authority shall hold a public hearing in accordance with the procedures for a conditional use petition. The public hearing shall be limited to consideration of the modification requested by the petitioner.
  - d. The Hearing Authority shall issue a written decision either upholding or modifying a condition imposed in the original Decision and Order.
  - e. After a decision is made, a new petition requesting modification of any of the conditions of approval shall not be accepted for at least 24 months after the date of the decision modifying or upholding the conditions of the original Decision and Order.

## **I. Establishment of Conditional Use**

### **1. Site Development Plan Requirement**

If required by the Department of Planning and Zoning, a Site Development Plan must be approved subsequent to the approval of a conditional use. The Site Development Plan must conform substantially to the conditional use plan.

### **2. Conformance with Conditional Use Plan**

An approved conditional use shall not commence until:

- a. The Site Development Plan is approved, if required;

- b. All required building permits are issued; and
- c. The site conforms substantially to the conditional use plan, including but not limited to structures, landscaping, parking areas, points of access, and lighting, unless an alternative schedule for completion of improvements is approved by the Hearing Authority. The Department of Planning and Zoning may approve minor modifications to the configuration of buildings or other improvements as long as they do not move closer to abutting residential properties or other uses that might be adversely impacted.

### 3. **Lapse of Decision Approving a Conditional Use**

- a. Except as provided in Subsections b, c and d below, a Decision and Order approving a conditional use shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within two years, and substantial construction in accordance therewith is completed within three years from the date of the decision. A Decision and Order approving a conditional use for which a building permit is not necessary shall become void unless the use commences within two years from the date of the decision. If a decision is appealed, the time period for the use being appealed shall be measured from the date of the last decision.
- b. The Hearing Authority may approve a phasing plan, in which only the first phase of a conditional use plan is subject to the time limits given above. The approval for future phases shall become void unless such phases are completed within a time period specified in the Hearing Authority's Decision and Order.
- c. The Hearing Authority may grant as many as two extensions of the time limits given above. The extensions shall be for a period of time not to exceed three years each, and may be granted in accordance with the following procedures:
  - (1) A request for an extension shall be submitted by the property owner prior to the expiration of the conditional use approval, explaining in detail the steps that have been taken to establish the use.
  - (2) The property owner shall certify that a copy of the request for an extension has been sent by certified mail to adjoining property owners and to the addresses given in the official record of the conditional use case for all persons who testified at the public hearing on the petition.
  - (3) The Hearing Authority shall provide opportunity for oral argument on the request at a work session if requested by any person receiving notice of the request. If no response is received within 15 days of the date of the written notification, a decision on the request may be made by the Hearing Authority without hearing oral argument.
  - (4) The Hearing Authority may grant the request if it finds that establishment of the use in accordance with the approved conditional use plan has been diligently pursued. If oral argument is presented on the request, the Hearing Authority may deny the request if any of the oral arguments allege that changes have taken place in the circumstances which led to the original decision to approve the conditional use.
- d. Notwithstanding that approval for a conditional use may have become void under Subsection c above, the Hearing Authority may grant a third extension of not more than two years from the date of lapse provided that:

- (1) The property owner submits a request for an extension that explains the steps taken to obtain a building permit and cause of delay;
  - (2) Procedures in Subsections 131.I.3.c(2) and (3) are followed; and
  - (3) The Hearing Authority finds that obtaining the building permit in accordance with the approved conditional use has been diligently pursued and has been delayed by a change in Federal, State, or local law or policy or by the delay of any State or Federal agencies in issuance of any permits or approvals required for the conditional use.
- e. If a condition of a previously granted special exception or conditional use is or has been previously modified, a petitioner may request and be granted one extension of time to obtain a building permit and complete substantial construction in addition to the two extensions that may be requested and granted pursuant to Section 131.I.3.c. above. Any extension of time granted pursuant to this subsection shall extend the deadline for obtaining a building permit by an additional two years and for completing substantial construction by an additional three years, and shall be measured from the date of the existing deadline. The Hearing Authority's consideration of a condition modification – related extension request pursuant to this subsection shall be governed by the procedures in Section 131.I.3.c.(1) through (4) above. [Council Bill 37-2004 (ZRA-47) effective September 8, 2004]

**J. Enlargement or Alterations**

The Hearing Authority may permit the enlargement or alteration of any existing use which is permitted by conditional use in the specified districts under the provisions of these regulations, provided that in evaluating the enlargement or alteration, the Hearing Authority shall make all of the required findings applicable to the entire conditional use.

**K. Abandonment**

If any conditional use is discontinued for a continuous period of at least two years, the conditional use approval shall become void and a new application to the Hearing Authority shall be required prior to the re-establishment of the use.

**L. Revocation of Conditional Use**

If a conditional use site is used, developed or maintained in violation of these regulations, the Department of Planning and Zoning may initiate action to revoke the conditional use as set forth below, in addition to other enforcement procedures authorized by these regulations and the County Code.

1. If a violation is not corrected within 30 days of the issuance of a violation notice the Department of Planning and Zoning may forward a copy of the violation notice to the Hearing Authority and request a revocation hearing.
2. The Hearing Authority shall schedule a public hearing to consider revoking the conditional use. The hearing shall be advertised as required by Section 2.203, "Notice to the Public" and Section 2.209, "Conduct of Board of Appeals Hearings; Original Jurisdiction" of the Howard County Code. In addition, at least 30 days written notice of the hearing shall be issued by registered mail to the property owner and the conditional use.
3. The public hearing shall be limited to consideration of issues relating to the alleged violations.
4. After holding a public hearing, the Hearing Authority shall issue a written decision as required in Section 2.211, "Decision and Order", of the Howard County Code revoking or reaffirming the

conditional use. If the conditional use is reaffirmed, the Board may amend, add to, or delete any of the existing conditions of approval. The Board may also reaffirm the conditional use subject to a schedule for abatement of specified violations, with provision for automatic revocation if the abatement schedule is not met.

**M. Clarification of Decision and Order**

The Department of Planning and Zoning may at any time request clarification of a Decision and Order of the Hearing Authority granting a conditional use petition, in accordance with the following procedures:

1. The Department of Planning and Zoning shall submit a written request to the Hearing Authority, listing the portions of the Decision and Order which require clarification and the reason for the request.
2. The Hearing Authority shall schedule a public hearing to consider the request for clarification. The hearing shall be advertised as required by Section 2.203, "Notice to the Public" and Section 2.209, "Conduct of Board of Appeals Hearings; Original Jurisdiction" of the Howard County Code. In addition, at least 30 days written notice of the hearing shall be issued by registered mail to the property owner and the conditional use holder.
3. The public hearing shall be limited to consideration of issues related to the request for clarification.
4. After holding a public hearing, the Hearing Authority shall issue a written decision as required in Section 2.211, "Decision and Order", of the Howard County Code, amending the original Decision and Order to provide clarification as deemed necessary by the Board.

**N. Conditional Uses and Permissible Zoning Districts**

The Board of Appeals may grant conditional uses in the specified districts in accordance with the following minimum criteria.

**1. Age-restricted Adult Housing**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, or R-A-15 District, for age-restricted adult housing, provided that:

- a. Single-family detached, semi-detached, attached, and apartment dwelling units shall be permitted, except that only detached and semi-detached units are permitted in the RC and RR Districts.
- b. The development shall have a minimum of 20 dwelling units in the R-ED, R-SC, R-SA-8 and R-A-15 Districts and a minimum of 50 dwelling units in the RC, RR, R-20 and R-12 Districts. Any proposed development located in the RC, RR, R-20 and R-12 Districts, for which a conditional use petition or a pre-submission community meeting notice was filed on or prior to February 20, 2003, shall have a minimum of 20 dwelling units. (ZRA-40 Council Bill #65/2003)

- c. The maximum density shall be as follows:

<u>Zoning District</u>	<u>Maximum Dwelling Units Per Acre of Lot Area</u>
RC or RR	1 per net acre
R-20 or R-ED	5 per net acre
R-12	6 per net acre
R-SC	8 per net acre
R-SA-8	12 per net acre
R-A-15	25 per net acre

- d. The development shall comply with the following bulk requirements:
- (1) Maximum Height:
    - (a) Apartments .....40 feet
    - (b) Other Principal Structures .....34 feet
    - (c) Accessory Structures .....15 feet
  - (2) Minimum Structure and Use Setback from Perimeter of Development:
    - (a) From Public Street Right-of-way .....40 feet
    - (b) From RC, RR, R-ED, R-20, R-12 or R-SC Districts
      - Apartments and single-family attached.....75 feet
      - Single-family detached and Semi-detached .....50 feet
      - Unless adjoining parcel is developed for multi-family or non-residential uses (ZRA42 CB49/2003) .....40 Feet
    - (c) From zoning districts other than RC, RR, R-ED, R-20, R-12 or R-SC.....20 feet
  - (3) Minimum structure setback from interior roadway or driveway for units with garages .....20 feet
  - (4) Minimum structure setback from lot lines for single-family detached units
    - (a) Side.....5 feet
      - Except zero lot line dwellings .....0 feet
      - A minimum of 15 feet must be provided between structures
    - (b) Rear .....20 feet
  - (5) Minimum distance between single-family detached and/or attached dwellings:
    - (a) For units oriented face-to-face ..... 30 feet
    - (b) For units oriented side-to-side..... 15 feet
    - (c) For units oriented face-to-side or Rear-to-side.....20 feet
    - (d) For units oriented rear-to-rear .....40 feet
    - (e) For units oriented face-to-rear .....100 feet
  - (6) Minimum distance between apartment buildings or between apartment buildings and single-family dwellings:
    - (a) For units oriented face-to-face ..... 30 feet
    - (b) For units oriented side-to-side.....15 feet
    - (c) For units oriented face-to-side or Rear-to-side.....30 feet
    - (d) For units oriented rear-to-rear .....60 feet
    - (e) For units oriented face-to-rear .....100 feet
- e. At least 50 percent of the gross site area in the RC, and RR Districts, and at least 35 percent in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-A-15 Districts, shall be open space or open area in accordance with the Subdivision and Land Development Regulations. The open space or open area shall provide amenities such as pathways, seating areas and recreation areas for the residents, and shall be protective of natural features.



- f. Accessory uses may include social, recreational, educational, housekeeping, security, transportation or personal services, provided that use of these services is limited to on-site residents and their guests.
- g. At least one on-site community building or interior community space shall be provided that contains a minimum of:
  - (1) 20 square feet of floor area per dwelling unit for developments of less than 100 dwelling units, with a minimum area of 500 square feet or
  - (2) 10 square feet of floor area per dwelling unit for developments of 100 or more dwelling units
- h. Loading and trash storage areas shall be adequately screened from view.
- i. The project shall be designed to provide a transition or adequate buffering near the periphery of the site, either with open space areas and landscaping, or by designing the buildings near the periphery to be compatible in scale and character with residential development in the vicinity as demonstrated by architectural elevations or renderings submitted with the petition.
- j. For a development that will be built in phases, open space areas, recreational facilities and other accessory facilities shall be provided in each phase to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the conditional use is approved.
- k. The petition shall establish how the age restrictions required under the definition of this use will be implemented and maintained over time. If the development will not be a rental community under single ownership, an entity such as a condominium association or homeowners association shall be established to maintain and enforce the age restrictions in addition to County enforcement of zoning regulations.
- l. All open space, common areas and related improvements shall be managed and maintained by a common entity, either the owner of the development, a condominium association, or a homeowners association.
- m. The petition shall include floor plans or other material demonstrating that the proposed dwellings will be appropriate for the age-restricted population, including design features that incorporate universal design principles to be accessible to or adaptable for residents with limited mobility and other age related functional limitations. The petition must include a list of interior features that make individual dwelling units adaptable and must demonstrate that accessible routes will be provided between parking areas, sidewalks, dwelling units and common areas.
- n. At least ten percent of the dwelling units shall be moderate income housing units in accordance with standards and procedures adopted by the County Council.

## 2. **Agribusiness**

- a. A conditional use may be granted in the RC and RR District for the following commercial and industrial uses:
  - (1) Local agricultural processing facilities, provided that at least 51 percent of the ingredients, measured by weight or volume as appropriate, are grown on the farm or land under the same ownership as the farm where the conditional use is

located. Commercial grain milling and processing is permitted by right and does not require conditional use approval (see Section 104.B.4).

- (2) Farm supply and machinery sales, storage and services.
- (3) Fuel production as an agricultural by-product.
- (4) Bulk produce storage facilities including cooperatives, except that bulk grain storage is permitted as a matter of right.
- (5) Livestock slaughtering.

b. These uses are subject to the following:

- (1) The use shall be located on a parcel of at least 100 acres in the RC district only, or on a parcel of any size if subject to an Agricultural Land Preservation Easement or a preservation parcel easement.
- (2) For meat and dairy processing facilities or livestock slaughtering facilities, all structures and uses shall be at least 300 feet from lot lines.
- (3) All other facilities, structures and uses shall be at least 150 feet from lot lines.

### 3. **Aircraft Landing and Storage Areas (Private Ownership)**

#### a. **Private Use-storage of Three or Fewer Aircraft**

A conditional use may be granted in the RC, RR, M-1 or M-2 Districts for private aircraft landing and storage areas where storage is limited to three or fewer aircraft, provided that:

- (1) The minimum area shall be 25 acres. Petitions where the minimum area comprises more than one lot must contain all property owners as petitioners.
- (2) The application for conditional use under this subsection shall be referred to the appropriate State and Federal aviation agencies for comments.
- (3) Areas used by fixed wing aircraft during take-off or landing shall be located at least 100 feet from any property line, at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches, and at least 500 feet from any property line on the approach or departure ends of the runway. Areas used by helicopters during take-off and landing shall be at least 700 feet from any property line and at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches.
- (4) Hangars shall be at least 200 feet from any property line. Other structures related to the conditional use shall be at least 150 feet from any residential property line, and no parking of aircraft shall be allowed within 100 feet of any residential property line and 50 feet of any non-residential property line. All setbacks provided for herein are to be measured from property lines.
- (5) Where feasible, all or part of the 500 feet "clear zone" from the approach or departure ends of the runway may be satisfied by properly certified navigational easements.
- (6) The use shall be limited to the storage of three or fewer aircraft, each having a gross weight of 12,500 pounds or less, and in the RC and RR Districts at least one of the aircraft shall be owned and principally used by a bona fide resident of the property.
- (7) No use granted herein shall allow instruction by or to any person in the operation or maintenance of aircraft.
- (8) Jet fixed wing aircraft may not use this facility.

**b. Public or Private Use - Storage of 12 or Fewer Aircraft**

A conditional use may be granted in the RC, RR, M-1 or M-2 Districts for aircraft landing and storage areas where storage is limited to 12 or fewer aircraft, provided that:

- (1) The minimum area shall be 45 acres. Petitions where the minimum area comprises more than one lot must contain all property owners as petitioners.
- (2) The application for conditional use under this subsection shall be referred to the appropriate State and Federal aviation agencies for comments.
- (3) Areas used by fixed wing aircraft during take-off or landing shall be located at least 200 feet from any property line, at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches, and at least 500 feet from any property line on the approach or departure ends of the runway. Areas used by helicopters during take-off and landing shall be at least 700 feet from any property line and at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches.  
Hangars shall be at least 200 feet from any existing residential property line. Other structures related to the conditional use shall be at least 150 feet from any existing residential property line, and no parking of aircraft shall be allowed within 100 feet of any residential property line. All setbacks provided for herein are to be measured from property lines or buildings on property not owned by any of the petitioners.
- (4) Where feasible, all or part of the 500 feet "clear zone" from the approach or departure ends of the runway may be satisfied by properly certified navigational easements.
- (5) The use shall be limited to the storage of 12 or fewer aircraft each having a gross weight of 12,500 pounds or less, and in the RC and RR Districts, at least one of the aircraft shall be owned and principally used by a bona fide resident of the property.
- (6) Jet fixed wing aircraft may not use this facility.

**c. Public or Private Use - Storage of 13 or More Aircraft**

A conditional use may be granted in the RC, RR, M-1 or M-2 Districts for an aircraft landing and storage area with storage area for 13 or more aircraft, provided that:

- (1) The minimum lot size is 150 acres.
- (2) The application for conditional use under this subsection shall be referred to the appropriate State and Federal aviation agencies for comments.
- (3) The operation of the airport in accordance with the standards and requirements of the State and Federal aviation agencies will not require limitation of the heights of structures on adjacent land to less than the height limit specifically prescribed for the district in which such land is situated.
- (4) The use shall be limited to the storage of fifty non-jet aircraft for which a current airworthiness certificate has been issued by the Federal Aviation Administration, each having a gross weight of 6,000 pounds or less. All airport take-off and landing areas shall be provided with a dustless surface.
- (5) Areas used by fixed wing aircraft during take off or landing shall be located at least 500 feet from any residential property line, 350 feet from any non-residential property line, 1,000 feet from any public or private institution, including schools, hospitals, and churches, and 1,000 feet, measured along an extension of the runway centerline, from any adjacent residential or commercial zones on the approach or departure ends of the runway. Areas used by

helicopters during take-off and landing shall be at least 700 feet from any property line and at least 1,000 feet from any public or private institution, such as schools, hospitals, and churches.

Structures, including hangars, shall be at least 200 feet from any residential property line, and 100 feet from any non-residential property line, and no parking of aircraft or vehicles shall be allowed within 100 feet from any property line.

- (6) No commercial accessory uses are permitted except that tie-down fees may be charged by the owner and the sale of navigation charts and equipment is permitted.
- (7) Every airplane operator based at the airfield must register with the airport manager the following information:
  - (a) aircraft registration number
  - (b) owner's name, address and telephone number(s)
  - (c) names, addresses and phone numbers of all pilots authorized to fly registered planes
  - (d) type of plane and airplane colors or paint scheme
- (8) The airfield shall not be used for take-off and landing instruction or practice.
- (9) The aircraft landing and storage area must meet a need of the residents of Howard County for such a facility.

#### 4. **Animal Hospitals**

A conditional use may be granted for an animal hospital in the RC or RR Districts, provided that:

- a. If outside pens or runs are included:
  - (1) They will be at least 200 feet from any lot line and screened from roads and residential properties; and
  - (2) Their hours of operation will be established by the Hearing Authority.
- b. Buildings where animals are kept or treated will be located or soundproofed so that noises are not detectible at the lot lines.
- c. Disposal of wastes will be such that odors or other emissions are not perceptible at lot lines.

#### 5. **Antique Shops, Art Galleries and Craft Shops (Commercial)**

A conditional use may be granted in the RC and RR Districts for antique shops, art galleries and craft shops in existing structures, provided that:

- a. No merchandise will be stored outside of structures, except outside displays during store hours only. Such displays may not extend into minimum required structure or use setback areas.
- b. The design of structures will be compatible with that of other structures in the vicinity.
- c. The use shall be operated by the person or persons residing in a residence located on the same lot.

**6. Athletic Facilities, Outdoor**

Except where permitted as a matter of right, a conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15 or R-MH Districts for the following outdoor athletic facilities: athletic fields, community swimming pools, commercial swimming pools, and tennis courts, provided that:

- a. A conditional use shall not be required for facilities which are reserved for use by residents of a community and their guests, and which are located within neighborhoods or communities where all properties are included within recorded covenants and liens which provide for the operation and maintenance of the facilities.
- b. Other athletic or recreational uses accessory to these principal uses are permitted if approved by the Hearing Authority.
- c. Buildings, parking areas, and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways. This buffer area shall not be available for athletic or recreational activities. The Hearing Authority may reduce this setback, if:
  - (1) The adjoining land is committed to an agricultural or environmental preservation easement or a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or
  - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring residential properties.
- d. Adequate landscaping or other acceptable forms of buffering will be provided to screen outdoor uses from residential properties.
- e. Reasonable standards for hours of operation and a detailed lighting plan shall be proposed by the petitioner and established by the Hearing Authority for each use.
- f. Outdoor sound amplification will be permitted only if it will not constitute a nuisance for residential properties in the vicinity. The petition must indicate the purposes of proposed amplification (such as announcing sports events, safety announcements, or entertainment), hours of use and the maximum noise level at the property lines.

**7. Beauty Parlor/Barber Shop**

A conditional use may be granted in RC, RR or R-20 District for a beauty parlor or barber shop provided that:

- a. The use shall be located within a residence and conducted by the person or persons residing in said residence.
- b. On lots less than one acre in size, the use shall be limited to one resident operator, with no other employees. On lots of one acre or larger, one additional operator or other employee may be permitted.

**8. Bed and Breakfast Inns**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, and R-VH Districts for a bed and breakfast inn, provided that:

- a. The building is an historic structure as defined in these regulations.
- b. The inn is managed by occupants of the dwelling.
- c. No public reception or restaurant facilities are provided.
- d. Exterior alterations to the structure and site are approved by the Historic District Commission as architecturally compatible with the historic structure.
- e. Extension or enlargement of the principal historical structure and all accessory structures may not exceed fifty percent of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the conditional use for bed and breakfast inns to these regulations.
- f. Bed and Breakfast Inns are permitted as a matter of right in the RC and RR Districts on farms that are subject to Agricultural Land Preservation Easements (See Section 104.B. and 105.B.). Conditional use approval is not required.

**9. Boarding Houses**

A conditional use may be granted in the RC or RR districts for a boarding house, provided that:

- a. The site has frontage on and direct access to a collector or arterial road designated in the General Plan.
- b. Parking, refuse storage and outdoor activity areas shall be at least 20 feet from adjoining residentially zoned property.
- c. The minimum lot size shall be 5 acres if 10 or more non-transient residents are accommodated.
- d. The boarding house is occupied as a residence by the owner.

**10. Bottling of Spring or Well Water**

A conditional use may be granted in the RC or RR Districts for bottling of spring or well water, provided that:

- a. The minimum lot size shall be 5 acres.
- b. All structures and uses related to the bottling operation shall be at least 75 feet from property lines.
- c. Public tours and retail sales shall be permitted provided such uses are clearly accessory and incidental to the bottling operation and are approved by the Board of Appeals.

**11. Cemeteries and Mausoleums**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH R-SI, R-VH, HO, HC, POR, CCT, B-1, B-2, SC, M-1 or M-2 Districts for cemeteries and mausoleums provided that:

- a. Graves shall be considered structures for the purpose of determining setbacks from property lines and in no case located closer than 20 feet from the property lines.
- b. Walls, fences and/or planting of shrubbery, trees or vines as may be reasonable and proper to afford adequate screening may be required.
- c. When approving a cemetery, the Hearing Authority may authorize future construction of accessory structures not requiring further Hearing Authority approval, such as mausoleums, vaults, columbaria, and sheds. The area within which the future changes are authorized must be delineated on the conditional use plan and located at least 50 feet from all property lines.

**12. Charitable Or Philanthropic Institutions: Offices and Educational Programs**

A conditional use may be granted in the RC, RR, R-ED, R-20 and R-12 Districts for a charitable or philanthropic institution, provided that:

- a. The minimum lot size shall be 40,000 square feet.
- b. The facility shall be limited to office functions and areas for meetings and educational programs related to the organization's primary purpose. The Hearing Authority must specify the allowed capacity and frequency of educational programs.
- c. Outdoor uses are limited to necessary parking and access, with the exception of nonprofit organizations whose primary purpose is environmental conservation, in which case the use may include outdoor areas used to demonstrate principals and methods of environmental conservation.
- d. All parking areas and outdoor activity areas shall be screened from surrounding properties and roads by landscaping or other appropriate means and located and designed to shield residential property from noise or nuisance.
- e. The design of new structures or additions to existing structures shall be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- f. Buildings, parking areas and outdoor activity areas shall be at least 50 feet from adjoining residentially zoned properties other than public road right-of-ways. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
  - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or
  - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combinations, that presents an attractive and effective buffer for neighboring residential properties.
- g. At least 20 percent of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property liens and public street rights-of-way of the zoning district.

**13. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-VH, HO, HC or M-2 Districts for day treatment and care facilities, child day care centers and nursery schools provided that:

- a. On-site circulation and parking areas shall be designed to minimize vehicular/pedestrian conflicts and to provide safe areas for dropping off and picking up passengers.
- b. For child day care centers or nursery schools in industrial or commercial districts, outdoor play areas shall be fenced, screened and located to minimize exposure to noise and other emissions from roads, parking areas, and industrial activities.
- c. The minimum lot size for child day care centers shall be 500 gross square feet of lot area per child.
- d. Outdoor play areas or activity areas shall be fenced, located to the side or rear of the principal structure, and buffered from adjoining residential properties by landscaping or adequate distance or both.
- e. Parking areas shall be located and landscaped to minimize their visibility from roads and adjacent residential properties.
- f. The design and massing of proposed structures or additions to existing structures shall be generally compatible in scale and character with residential properties in the vicinity of the site, as demonstrated by architectural elevations or renderings submitted with the petition. Additional setbacks from property lines and landscape buffering shall be required if necessary to make the appearance of the site compatible with surrounding residential properties.
- g. For facilities in residential districts with a capacity of more than 30 children or adult clients at one time, the following standards apply:
  - (1) The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a conditional use that was approved prior to the effective date of Council Bill No. 11-2001 are permitted.
  - (2) Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
    - (a) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or
    - (b) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring residential properties.
  - (3) At least 20 percent of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.



**14. Communication Towers or Antennas (Commercial)**

- a. A conditional use may be granted for commercial communication towers or antennas in the following districts:
  - (1) In the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, PGCC OR TOD Districts, except that antennas meeting the requirements of Section 128.E.4., and commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, are permitted as a matter of right.
  - (2) In the POR, PEC, B-1, B-2, SC, BR and CE Districts for towers with a height of 200 feet or greater (including antennas) measured from ground level.
- b. Conditional Use Criteria:
  - (1) An applicant for a new communication tower shall demonstrate that a diligent effort has been made to locate the proposed communication facilities on a government structure or, on an existing structure or within a non-residential zoning district, and that due to valid considerations, including physical constraints, and economic or technological feasibility, no appropriate location is available. The information submitted by the applicant shall include a map of the area to be served by the tower, its relationship to other antenna sites in the petitioner's network, and an evaluation of existing buildings taller than 50 feet, communication towers and water tanks within one-half mile of the proposed tower.
  - (2) New communication towers shall be designed to accommodate antennas for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Unless collocation has been demonstrated to be infeasible, the conditional use plan shall delineate an area near the base of the tower to be used for the placement of additional equipment buildings for other users.
  - (3) Ground level equipment and buildings and the tower base shall be screened from public streets and residentially-zoned properties.
  - (4) Communication towers shall be grey or a similar color that minimizes visibility, unless a different color is required by the Federal Communications Commission or the Federal Aviation Administration.
  - (5) No signals or lights shall be permitted on a tower unless required by the Federal Communications Commission or the Federal Aviation Administration.
  - (6) A communication tower that is no longer used shall be removed from the site within one year of the date that the use ceases.

**15. Contractor Storage Facility**

A conditional use may be granted in the B-2 District for a contractor storage facility provided that:

- a. The minimum lot size shall be five acres and the maximum lot size shall be 10 acres.
- b. All outdoor storage uses, commercial vehicle and equipment parking shall be located a minimum of 100 feet from an adjacent residential district, 30 feet from other adjacent non-residentially zoned properties, and 50 feet from the public street rights-of-way of all public roads.

- c. All outdoor storage uses, commercial vehicle and equipment parking shall be screened from all adjacent properties and public street rights-of-way with a Type D landscape screen as defined in the Subdivision and Land Development Regulations, and expressly in addition, a 6-foot tall opaque fence. The fence shall comply with the setbacks set forth in Section B above.
- d. If the contractor storage facility is adjacent to a residential zoning district, the Hearing Authority may set the hours of operation.

**16. Country Clubs and Golf Courses**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC or R-SA-8 Districts for country clubs and/or golf courses, provided that:

- a. A buffer area at least 50 feet wide will be maintained between structures or parking, loading and storage areas and adjacent residentially-zoned land.
- b. A distance of at least 100 feet will be provided between the edge of golf course fairways and existing residential structures.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance.

**17. Country Inn**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH or HO Districts for the conversion of an historic structure to a country inn, provided that:

- a. The building is a historic structure as defined in these regulations;
- b. Principal and accessory uses shall be identified on the site plan submitted with the application. Accessory uses, not including outdoor recreational areas for use by guests of the inn, shall be limited to an area no greater than 25 percent of the total floor area of all buildings;
- c. If a public restaurant is part of the country inn, the minimum lot size shall be 3 acres unless the parcel has frontage and direct access to a collector or arterial road designated in the General Plan.
- d. Extension or enlargement of the principal historical structure and all accessory structures may not exceed fifty percent of the gross floor area of each individual building above that which Existed on February 8, 1982, when the category for country inns was added to these regulations.
- e. Exterior alterations to the structure and site are approved by the Historic District Commission as architecturally compatible with the historic structure.
- f. Outdoor uses, including loading and refuse storage areas and outdoor reception or restaurant areas, will be located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.

**18. Entrance Features For Subdivisions – Buildings**

A conditional use may be granted in the RC and RR Districts for an ornamental building which is part of an entrance feature, provided that the building:

- a. Is part of an entrance feature identifying a residential subdivision of at least 25 lots;
- b. May be located closer to the public street right-of-way than allowed by the district setback requirements, if the location is approved by the Hearing Authority;
- c. Is no more than 20 feet wide, 20 feet deep, and 15 feet in height;
- d. Does not interfere with sight distance along public roads;
- e. Is compatible in appearance and character with structures on surrounding properties;
- f. Will be maintained in good condition by the Homeowner's Association for the subdivision.

**19. Explosives, Storage of**

A conditional use may be granted in the M-2 District for the storage of explosives, provided that no storage of explosives shall be permitted within the greater of 140 feet from a property line or County adopted setback requirements for the storage of explosives.

**20. Farm Tenant House**

A conditional use may be granted in the RC and RR Districts for a farm tenant house, provided that:

- a. The house is to be occupied by at least one person involved in a bona fide farming operation of the owner;
- b. The house shall be located on a parcel of at least 25 acres but less than 50 acres in area.

**21. Fast Food Restaurant**

A conditional use may be granted for a fast food restaurant in the B-1, M-1 or M-2 Districts, provided that:

- a. At least 20 percent of the site area will be landscaped. The landscaping plan must include plantings which enhance the appearance of the site from public roads and provide buffering for adjacent uses.
- b. The petition demonstrates that noise generated by speakers for drive-through service lanes will not be audible from residentially-zoned land.
- c. If the site borders a residential district:
  - (1) A detailed lighting plan must be approved by the Hearing Authority.
  - (2) Solid walls such as masonry or wood and masonry may be required by the Hearing Authority. When solid walls are required, landscape planting is required between the wall and the property line.

22. **Funeral Homes and Mortuaries**

A conditional use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or mortuaries provided that:

- a. The area of the lot shall be not less than three acres.
- b. The site has frontage on and direct access to a collector or arterial highway designated in the General Plan.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
  - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;
  - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.
- e. At least 20 percent of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.
- f. Crematoriums are permitted as accessory uses to a funeral home or mortuary.

23. **Gases, Manufacture, Sale, Storage and Distribution of Acetylene and Other Non-toxic Industrial**

A conditional use may be granted in the M-2 Zoning District for the manufacture, sale, storage and distribution of acetylene and other non-toxic industrial gases provided that:

- a. Maximum above-ground storage shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet for each 20,000 square feet of lot area;
- b. When the site is closed or not operated for a continuous period of twelve months, the gas storage facilities shall be dismantled and removed from the site;
- c. The minimum setback from all property lines shall be fifty feet.

24. **Gasoline, Fuel Oil and Liquified Petroleum, Bulk Storage of**

A conditional use may be granted in the B-2, M-1 or M-2 Districts for the storage or sale of gasoline, fuel oil, bottled gas or liquified petroleum, provided that:

- a. Maximum storage above ground shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet, for each 20,000 square feet of lot area. Except that total storage of liquified petroleum in the B-2 district shall not exceed 2,000 gallons and no single

container may contain more than 1,000 gallons of liquified petroleum, total storage shall not exceed 20,000 gallons in the B-2 and M-1 districts.

- b. If a storage area is closed or not operated for a continuous period of twelve months, the storage facilities shall be dismantled and removed from the site.
- c. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required between the outside of the wall and the property line.

## 25. **Gasoline Service Stations**

A conditional use may be granted in the B-2, SC, M-1, M-2, or PEC Districts for gasoline service stations, provided that:

- a. The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the station is proposed and will not have a blighting influence as a result of a proliferation of gasoline service stations within a particular area.
- b. The minimum lot size for a gasoline service station is 20,000 square feet. If a gasoline service station is combined with another use on the same lot, the minimum lot size shall be increased in accordance with the provisions of Section 131.N.25.i.
- c. The lot shall have at least 120 feet of frontage on a public road. If at the intersection of two public roads, the total of the frontage along both roads may be used if ingress or egress is provided to both roads.
- d. At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.
- e. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required on the outside of the wall.
- f. Refuse areas shall be fenced or screened from view. The plan shall indicate the disposal methods to be used for all waste material generated by vehicle repair operations.
- g. Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians.
- h. Operation
  - (1) Outside operations shall be limited to the dispensing of gasoline, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.
  - (2) Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority.
  - (3) The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the gasoline service station.

- (4) Where a gasoline service station is adjacent to a residential district, its hours of operation and a detailed lighting plan shall be approved by the Hearing Authority.

i. Other Uses

- (1) Other uses may be located on the same lot as a gasoline service station, including uses permitted in the zoning district as well as car washes and convenience stores, provided that all uses are approved by the Hearing Authority and the minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of 20,000 square feet must be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.
- (2) In the PEC, M-1 and M-2 districts, the gross floor area of convenience stores shall not exceed 3,500 feet.

j. Abandonment

- (1) The premises (including landscaping) of any gasoline service station which is not in continuous operation or is abandoned shall be maintained in the same manner as is required under these regulations for operating gasoline service stations.
- (2) A conditional use for a gasoline service station shall become void upon notice of abandonment by the owner. If notice of abandonment is not received, but it is determined by the Department of Planning and Zoning that a gasoline service station has not been in continuous operation for a period of twelve months, a revocation hearing shall be initiated by the Department of Planning and Zoning in accordance with the procedures set forth in Section 131.L. For purposes of this subsection, "continuous operation" shall mean operation as a gasoline service station at least eight hours per day, five days per week.
- (3) If a gasoline service station is abandoned and the conditional use becomes void as provided above, all gasoline pumps, pump island canopies and other improvements (not including buildings) shall be removed from the site within six months of the date the conditional use becomes void.

## 26. Historic Building Uses

A conditional use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15 and R-MH Districts to business and professional offices and community meeting halls, provided that:

- a. The building is a historic structure as defined in these regulations.
- b. The maximum number of dwelling units permitted on a residentially zoned parcel shall be as follows:

<u>Zoning District</u>	<u>Maximum Dwelling Units Per Acre of Lot Area</u>
RC or RR	1 per net acre
R-20 or R-ED	3 per net acre
R-12	4.5 per net acre
R-SC	6 per net acre
R-SA-8	12 per net acre
R-A-15	22 per net acre
R-MH	12 per net acre

- c. The maximum number of dwelling units permitted in a historic building on a non-residential zoned parcel shall be one dwelling unit per 5,000 square feet of lot area.
- d. Extension or enlargement of the principal historical structure and all accessory structures may not exceed fifty percent of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the historic building use category to these regulations.
- e. Exterior alterations to the structure and site shall be approved by the Historic District Commission as architecturally compatible with the historic structure.
- f. A historic building converted into a community meeting hall or offices shall be subject to the following standards:
  - (1) No material or equipment shall be stored outside of structures.
  - (2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and screened from the roadway and adjacent properties.
  - (3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan.

**27. Home-Based Contractors**

A conditional use may be granted in the RC and RR Districts for home-based contractors, subject to the following requirements, except that landscape contractors are permitted elsewhere in Section 131.N., and home-based contractors meeting the requirements of Section 128.C.2 are permitted accessory uses:

- a. The number of commercial vehicles parked on the site shall be limited to one commercial vehicle for lots one acre or smaller, two commercial vehicles for lots between one and three acres, three commercial vehicles for lots at least three and not more than 20 acres, and five commercial vehicles for lots larger than 20 acres.
- b. The area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than five percent of the area of the lot or 10,000 square feet, whichever is less.
- c. Structures used for the conditional use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines, unless the Hearing Authority finds that a lesser setback is more appropriate and will not adversely affect neighboring properties due to visual impact, activity, noise, dust, fumes, or other cause.
- d. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.
- e. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
- f. Parking and other outdoor uses shall be screened from adjoining properties and public roads by landscaping or other appropriate means.

- g. New structures or additions to existing structures shall be designed to be compatible in appearance with other residential or agricultural structures in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. Minor repairs to vehicles or equipment shall be permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities shall not be permitted.

## 28. **Home Occupations**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-VH, PGCC, TOD and CAC Districts for home occupations subject to the following requirements, except that home occupations meeting all requirements of Section 128.C.1 are permitted accessory uses:

- a. Home occupations approved under this section shall be limited to the following uses:
  - (1) art or hand craft studios;
  - (2) dressmaker, seamstress, tailor and similar uses;
  - (3) typing or computer services;
  - (4) business or professional offices.
- b. The total area devoted to a home occupation shall not exceed 33% of the gross floor area of the dwelling.
- c. The home occupation shall be located entirely within the dwelling, an accessory building, or both, except that a home office which may be visited by clients shall be located within the principal dwelling.
- d. The home occupation shall not alter the residential character or appearance of the dwelling or the lot. An accessory building used for the home occupation must be compatible in scale, character and appearance with the residential character of the site and the neighborhood.
- e. There shall be no exterior evidence, other than a permitted sign, to indicate that the site is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage, noise, dust, vibration, glare, fumes or odors.
- f. No sale or rental of commodities shall take place on site.
- g. The home occupation shall be conducted by persons residing in the dwelling. In addition, not more than three employees not residing in the dwelling may work on site at one time in connection with the home occupation.
- h. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- i. Business-related off-street parking areas shall be screened from public roads and neighboring properties.



29. **Junk Yard**

A conditional use may be granted for a junk yard in the M-2 District, provided that:

- a. The lot for the proposed junk yard shall be not less than one but not more than five acres.
- b. Outdoor areas used for the processing, dismantling, cleaning or storage of parts, material or motor vehicles will be:
  - (1) At least 300 feet from any other zoning district, at least 50 feet from public street rights-of-way and at least 30 feet from property lines; and
  - (2) Enclosed by a solid wood or masonry wall or fence, 6 to 8 feet high, of a design approved by the Hearing Authority. Building walls may form part of the enclosure.
- c. No storage of tires shall be permitted in a junk yard without the required permits from the Maryland Department of the Environment.

30. **Kennels and Pet Grooming Establishments**

A conditional use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming establishments, and in the BR or B-1 Districts for kennels, provided that:

- a. For kennels housing or training eleven or more animals at one time, the following requirements shall apply:
  - (1) Minimum lot size ..... 5 acres
  - (2) Minimum setback for outside pens and runs from any lot line ..... 200 feet
  - (3) Minimum structure setback
    - (a) From public street right-of-way ..... 100 feet
    - (b) From any other lot line ..... 200 feet
  - (4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outside pens or runs to a distance no less than 100 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs for which this setback reduction is approved shall be enclosed by solid fences or walls.
- b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than ten animals at any one time, the following requirements shall apply:
  - (1) Minimum lot size ..... 3 acres
  - (2) Minimum setback for outside pens and runs from any lot line ..... 100 feet
  - (3) Minimum structure setback:
    - (a) From public street right-of-way ..... 75 feet
    - (b) From any other lot line ..... 30 feet
- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be one acre.

- d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.
- e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- f. A kennel for the boarding of dogs or cats for which a fee is charged must have frontage on and direct access to a collector or arterial road designated in the General Plan.

31. **Landscape Contractors or Retail Greenhouses and Nurseries**

A conditional use may be granted in the RC and RR Districts for retail greenhouses, retail nurseries, and landscape contractors, provided that:

- a. The site is at least 5 acres in area.
- b. All structures and uses which are part of the conditional use including parking, driveways, storage, and areas open to retail customers, shall be at least 50 feet from lot lines, unless the Hearing Authority finds that a lesser setback is more appropriate and will not adversely affect neighboring properties due to visual impact, activity, noise, dust, fumes or other cause.
- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.
- d. Buildings used for sales, storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.
- e. The following requirements apply to retail nurseries or greenhouses:
  - (1) The principal business use shall be the sale of plants. In addition, accessory sales of other items related to gardening or lawn care may be permitted, including the following: seeds, fertilizers, pesticides, firewood, hand tools, hand spraying and watering equipment, and incidental seasonal items. Sale of general hardware or power equipment is not permitted.
  - (2) Sites for retail greenhouses or nurseries must have frontage on and direct access to a collector or arterial road as designated in the General Plan.
  - (3) Areas to be used for accessory sales of items related to gardening or lawn care shall be designated on the conditional use plan.
  - (4) Adequate landscaping shall be provided to screen parking, storage, display and other activity areas related to the conditional use from residential properties.
- f. The following requirements apply to landscape contractors:
  - (1) A landscape contractor which is a home-based contractor as defined in these regulations and meets the requirements of Section 128.C.2 is a permitted accessory use and does not require a conditional use.
  - (2) Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment, tools and supplies shall be delineated on the conditional use plan and located at least 100 feet from lot lines and public roads.

- (3) Outdoor parking and storage areas shall be screened from neighboring properties and roads.
- (4) Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.

32. **Mobile Homes for Security Purposes**

A conditional use may be granted in the M-1 or M-2 District for one mobile home to be used for security purposes, provided that the property is at least 10 acres in size and contains an outdoor storage facility for equipment, supplies or products in connection with a use permitted in the M-1 or M-2 District.

33. **Movie Theaters, Legitimate Theaters, Dinner Theaters**

A conditional use may be granted in the M-1 District for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, that such use will not adversely affect the use of adjoining properties, that adequate off-street parking facilities are available in close proximity to the proposed use, and that there is a reasonable need for the proposed use within the Light Manufacturing District (M-1).

34. **Museums and Libraries**

A conditional use may be granted in the RC, RR, R-ED, or R-20 districts for museums, art galleries, and libraries, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, and that such use will not tend to adversely affect the use and development of adjoining properties.

35. **Nonprofit Clubs, Lodges, Community Halls and Camps**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC and R-SA-8 Districts for non-profit clubs, including health or athletic clubs, and similar organizations, provided that:

- a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of ways. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
  - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development, or;
  - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.
- b. At least 20 percent of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance.

- d. The site has frontage on and direct access to a collector or arterial road designated in the General Plan.

**36. Nursing Homes and Residential Care Facilities**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-VH and CAC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The lot for which the home is proposed is at least 40,000 square feet in size.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition showing.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
  - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or
  - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring residential properties.
- e. At least 20 percent of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

**37. Quarries - Rock, Stone, Sand, and Borrow Pits**

A conditional use may be granted in the RC, RR, M-1 or M-2 Districts for quarries and borrow pits and other similar excavations for sand, rock, stone and minerals, provided that:

- a. In the M-1 District, accessory processing uses such as concrete manufacture may be permitted if approved by the Hearing Authority.
- b. The approved portion of the tract shall have a peripheral area which shall be retained in its natural topographic condition, undisturbed by excavation or mining, 100 feet in width. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract.
- c. The height of structures and any man-made land forms may be limited by the Hearing Authority.
- d. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or similar operations shall not be located within three hundred feet of a property line, except that the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet to such property line if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.

- e. All operations shall be conducted in a safe manner with respect to the likelihood of hazard to persons, physical or environmental damage to lands and improvements and damage to any street, bridge or public right-of-way as a result of the development or operation of the quarry.
- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. Excavated areas shall be maintained thoroughly drained, except for draining and ponding areas which are used for production.
- h. All driveways serving the facility shall be treated or surfaced as necessary to control dust.
- i. The Hearing Authority shall limit the permit to operate such quarry to a specific expiration date.
- j. Operation hours for excavation, processing and filling operations shall be restricted to between 7:00 a.m. and 6:00 p.m. No blasting shall be permitted between the hours of 6:00 p.m. and 7:30 a.m. No operation shall be permitted on Sundays except for repairs to equipment. Only sales and deliveries may be permitted on Saturdays.
- k. The conditional use plan submitted with the conditional use application shall show the following:
  - (1) Setback area, including screening and fencing.
  - (2) Portion of tract, if any, actually being excavated, and proposed excavation areas;
  - (3) Existing and proposed structures and major mechanical equipment;
  - (4) Existing and proposed access roads;
  - (5) Water supply and sewage disposal;
  - (6) All necessary pollution control measures;
  - (7) Stockpile area;
  - (8) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
  - (9) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System.
  - (10) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the quarry.

l. Reclamation Plan

A reclamation plan at a scale of 1" = 200' shall be submitted at the time of the conditional use application setting forth a plan for reclamation of the permit area. A reclamation contour plan showing contour intervals of 2 feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation of topsoil shall be specified. The reclamation schedule shall include specific information relating to regrading, drainage, landscaping, erosion backfilling, removal of machinery and structures, and closing of access roads. No reclamation plan shall be approved unless it provides for the following minimum program:

- (1) Regrading - All disturbed land shall be regraded as required by the Maryland Department of Natural Resources. Whenever the site of an excavation for a

quarry is greater than 50 percent grade, the excavated area shall be fenced with a durable galvanized fence six feet high, located not less than 20 feet from the edge of excavation. The County shall have the right to enter and repair or maintain such fence whenever the property owner shall fail to do so. The property owner shall be liable to the County for the cost of the repairs or maintenance.

- (2) Landscaping, Erosion, Backfilling - All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The graded area shall be covered with suitable soil to sustain growth, then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) Removal of Machinery and Structures - All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) Access Roads - Upon the abandonment of excavation operations on any site or portion thereof in the permit areas, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.
- (5) Adequate Collateral or Bonds - Detailed engineering studies shall be provided by the petitioner setting forth the estimated cost of the accepted plan for rehabilitation. Such studies shall be submitted for the approval and periodic review of the Hearing Authority. A bond shall be provided or adequate collateral shall be kept in escrow, drawing interest to the benefit of the petitioner, to cover the estimated cost of the accepted plan for rehabilitation. Such bond or money shall only be released upon completion of the rehabilitation program.

m. No excavation or processing operations shall be commenced on land in the permit area until all persons having an interest of record in said land shall cause to be recorded among the land records of the County:

- (1) A description of the area included within the permit area,
- (2) The application number and the date the permit was granted by the Hearing Authority,
- (3) A statement indicating that use of the land will be in accordance with an approved Site Development Plan and an approved rehabilitation plan, and
- (4) A declaration binding their heirs and assigns to utilize the land in accordance with said Site Development Plan and rehabilitation plan until excavation processing or filling operations cease and rehabilitation of the land is completed.

n. The County and the applicant shall enter into an agreement providing that, should the quarry have been operated in violation of any of the provisions or conditions of the conditional use including failure to comply with an approved rehabilitation plan, in such a way as to require corrective action, the applicant shall cause the corrective action to be taken. The agreement shall further stipulate that, should the applicant fail to take the necessary corrective action within 30 days of written notice from the County to do so, the required bonds or collateral will be forfeited and the County may cause corrective actions to be commenced. In addition, the applicant shall agree to pay the cost for corrective action which exceed the bond or collateral amount.

38. **Religious Activities, Structures Used Primarily for**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, or R-VH Districts for structures used primarily for religious activities provided that:

- a. Lot coverage shall not exceed 25 percent of lot area.
- b. Structures used primarily for religious activities may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation.

39. **Retreat Center**

A conditional use may be granted in the RC, RR, R-ED or R-20 Districts for a retreat center provided that:

- a. The minimum area for such use shall be six acres.
- b. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
  - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent of better buffer for vicinal residential development; or
  - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, that presents an attractive and effective buffer for neighboring residential properties.
- c. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- d. No retail or wholesale sales of any kind shall be permitted.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including but not limited to the frequency and length of meetings or events, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. For retreat centers in the R-ED district, the Hearing Authority may approve limited social assemblies as an accessory use to the retreat center facility, provided that:
  - (1) The minimum lot size is 40 acres or greater.
  - (2) The lot is the site of a historic structure.
  - (3) The design of new structures and exterior alterations to the historic structure and site are determined by the historic district commission to be compatible with the

historic structures, unless the Maryland Historical Trust has jurisdiction for design review on the property.

- (4) The limited social assemblies are the following private functions: picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers (dinners, concerts, etc.), banquets, rehearsal dinners, and philanthropic events.
- (5) Limited social assembly events shall have the following capacity limitations:
  - (a) Maximum capacity is not to exceed 400 attendees;
  - (b) No more than 30 of these events shall exceed 125 attendees within a one-year period; and
  - (c) No more than 10 of these outdoor events shall exceed 250 people within a one-year period.
- (6) Unless the retreat center shall use only direct vehicular access onto a public road for all limited social assemblies then:
  - (a) The driveway will be of sufficient size and configuration so the use will not result in damage to the shared driveway, increase hazard to other users of the driveway, or adversely impact use of adjoining property; and
  - (b) Approval of use for limited social assemblies shall expire five years after approval.

#### 40. **Riding Academies and Stables**

A conditional use may be granted in the RC or RR Districts for riding academies and stables, provided that:

- a. Adequate areas for horseback riding shall be available on the site. If the operation will include off-site horseback riding, the petition must indicate the location of off-site trails and include written permission from the property owners.
- b. Minimum required setbacks for stables and indoor or outdoor riding arenas:
  - (1) For a use where 20 or fewer horses are kept on the property, from any property line other than a public street.....100 feet
  - (2) For a use where more than 20 horses are kept on the property, from any property line other than a public street.....200 feet
- c. The site has a minimum area of five acres.
- d. Parking areas, driveways and outdoor riding areas will be located and designed to shield neighboring properties from noise, dust and odors.

#### 41. **Rubble Landfill and Land Clearing Debris Landfill Facilities**

A conditional use may be granted in the RC, RR, or M-1 Districts (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a conditional use specifically for mining, quarrying or barrow pit uses) for a land clearing debris landfill facility or rubble landfill facility, provided that:

- a. Only non-hazardous material shall be received for disposal on the site.
- b. The waste materials which may be accepted at the rubble fill facility, unless specifically prohibited by the Hearing Authority, are:
  - (1) Land Clearing Debris, as defined in these regulations.



- (2) Demolition Debris - The types of demolition debris that may be accepted for disposal are as follows:
    - (a) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure, including appliances if they have been or will be compacted to their smallest practical volume.
    - (b) Unacceptable demolition debris includes industrial waste or byproducts, any waste materials contained within the structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.
  - (3) Construction Debris - The types of construction debris that may be accepted for disposal are as follows:
    - (a) Acceptable construction debris is structural building materials including cement, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, roofing, felt, or other structural fabrics. Paper or cardboard packaging, spacing, or building materials, provided that they do not exceed 10 percent by volume of the waste, may be accepted at the rubble landfill. Paint containers, caulk containers, or glaze containers, provided that they are empty, and any residual material which is dried before acceptance at the rubble fill, and further provided that this waste category does not exceed 1 percent by volume of the waste accepted at the rubble fill.
    - (b) Unacceptable construction debris includes commercial, domestic, or industrial wastes or by-products, paint, tar or tar containers, caulking compounds, glazing compounds, paint thinner or other solvents or their containers, creosote or other preservatives or their containers, tile, paneling, or carpet cement or other adhesives, and other solid waste which may contain an unacceptable waste or substance as may be determined by the approving authority to be unacceptable.
  - (4) Tires, asbestos waste and appliances may be accepted for disposal in accordance with the requirements of the State of Maryland Department of the Environment for proper disposal of these materials.
- c. The waste materials which may be accepted at the land clearing debris fill facility are restricted to land clearing debris as defined in these regulations.
  - d. The Hearing Authority may further limit the waste materials which may be accepted at or disposed of in a land clearing debris landfill facility or a rubble landfill facility upon a finding of a specific adverse effect associated with the acceptance or disposal of such waste materials on the proposed site. The Hearing Authority shall approve the method by which unacceptable materials, which are delivered to the site, will be segregated and handled for final removal and disposal.

- e. In addition to all other required setbacks, the following use setbacks shall apply, except for landfill facilities on permitted quarry sites, in which case the Hearing Authority shall establish setback requirements on a case-by-case basis:
  - (1) From an existing residence on a different lot .....500 feet
  - (2) From adjacent residentially zoned lots .....300 feet
  - (3) From public street and utility rights-of-way .....100 feet
  - (4) From existing streams and wetlands .....100 feet

The approved portion of the tract shall have a surrounding landscaped buffer at least 100 feet wide which shall be retained in its existing topographic condition and undisturbed by excavation or fill. The buffer area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract. In the event that the provision of a 100-foot buffer is not feasible, the applicant shall provide for alternative means of buffering in concert with a Site Development Plan. Within the approved portion of the tract, all land within 50 feet of a stream or wetland shall be retained in its existing topographic condition and undisturbed by excavation or fill.
- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. The height of structures and any man-made land forms may be limited by the Hearing Authority.
- h. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or other operations associated with a land clearing debris landfill facility or a rubble landfill facility shall not be located within one hundred feet of a property line. Sedimentation ponds shall not normally be located closer than 300 feet from a property line. However, the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet from a property line, if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.
- i. All operations shall be conducted in a safe and environmentally sound manner with respect to the likelihood of hazard to persons or damage to lands, natural resources, improvements, streets, bridges, or public rights-of-way as a result of the development or operation of the facility.
- j. Any area under excavation shall be maintained in a thoroughly drained condition. Fill areas shall be maintained at all times by burial of material received for disposal.
- k. Operation hours for excavation, processing and filling operations shall be restricted to between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays except emergency repairs to equipment and the fill site.
- l. The conditional use plan submitted with the conditional use application shall show the following:
  - (1) Setback and buffer area, including type of screening and fencing;
  - (2) Portion of tract, if any, actually being excavated, and proposed fill areas;
  - (3) Portion of tract, separate from fill areas, to be used for recycling operations including areas for unloading, storage, processing, and loading.
  - (4) Existing and proposed structures and major mechanical equipment;

- (5) Existing and proposed access roads;
- (6) Water supply and sewage disposal including any liquid waste generated by processing and filling operations;
- (7) Stockpile area;
- (8) Other uses and their extent on the property;
- (9) Existing or proposed points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
- (10) Areas to be used for rubble and/or land clearing debris disposal shall be identified either as non-buildable areas or as future building sites;
- (11) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System;
- (12) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the landfill;
- (13) A noise, litter and dust control plan;
- (14) Storm water management facilities for quantity and quality control;
- (15) The length of time the facility is expected to be in operation.

m. **Rehabilitation Plan**

A rehabilitation plan at a scale of 1" = 200' shall be submitted with the conditional use application for all areas to be filled with land clearing debris or rubble or used for processing and recycling operations. A rehabilitation contour plan showing contour intervals of two feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation to top cover shall be specified. No rehabilitation plan shall be approved unless it provides for the following minimum rehabilitation program:

- (1) **Regrading** - All disturbed land shall be regraded so that no slope exceeds a maximum of 50 percent grade.
- (2) **Landscaping, Erosion, Backfilling** - All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The disturbed area shall be graded, covered with suitable soil to sustain growth, and then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) **Removal of Machinery and Structures** - All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) **Access Roads** - Upon the abandonment of filling operations on any site or portion thereof in the area covered by a conditional use approved under this section, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.

42. **Sawmills and Mulch Manufacture**

A conditional use may be granted in the RC or RR Districts for sawmills, including the cutting of firewood in bulk, or mulch manufacture, provided that:

- a. All structures and uses shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines.

- b. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- c. Hours of operation shall be established by the Hearing Authority.
- d. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.

43. **School Buses (Parking and Storage)**

A conditional use may be granted in the RC, RR, R-20 or R-12 Districts for the parking and storage of more school buses than allowed by these regulations, provided that:

- a. All such vehicles parked or stored outside of a structure shall be screened from adjoining properties;
- b. No such vehicles shall be parked or stored within the structure setback requirements of the district in which they are located;
- c. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces;
- d. Only minor repairs to such vehicles shall be permitted. In no case shall body work, engine rebuilding, engine reconditioning or collision services be permitted;
- e. The storage or parking of the number of vehicles registered as school buses on lots or parcels in the RC, RR, R-20 and R-12 Districts on the effective date of this amendment (Zoning Board Case 715, effective July 25, 1978) shall be deemed valid nonconforming uses in those districts.

44. **School Buses, Boats or Recreational Vehicles (Parking and Storage)**

[Council Bill 29-2002 (ZRA-37), effective 8/6/02]

A conditional use may be granted in the B-2 Districts for the parking and storage of school buses, boats or recreational vehicles provided that:

- a. The minimum lot size shall be 5 acres;
- b. The parcel is located within the No Planned Service Area of the Howard County Water and Sewerage Master Plan;
- c. All such vehicles parked or stored outside of a structure shall be screened from adjoining properties;
- d. No such vehicles shall be parked or stored within the structure setback requirements of the district in which they are located; and
- e. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces.

45. **Schools, Colleges, Universities – Private (Academic)**

A conditional use may be granted in the RC, RR, R-20, R-ED, R-12, R-SC, R-SA-8, R-A-15, R-MH, or R-VH Districts for private academic schools, colleges and universities, (not including nursery schools) provided that:

- a. The maximum density permitted is 60 pupils per acre for lots less than three acres, and 100 pupils per acre for lots three acres or greater.
- b. In addition to meeting the area requirements of Section 131.N.54.a, schools with residence accommodations shall provide an additional 500 square feet of lot area per site resident. Residents shall include students, staff members, caretakers and their families who reside on the site.
- c. A private school may be erected to a greater height than permitted in the respective district, provided that no structure is more than three stories in height and the front, side and rear setbacks shall be increased two feet for each foot by which such structure exceeds the height limitation.
- d. Sufficient off-street school bus loading areas shall be provided if bus service is provided for students.
- e. Outdoor uses will be located and designed to shield residential property from noise or nuisance. Play areas, athletic fields and similar uses shall be buffered from residential properties by fencing, landscaping, adequate distance or other appropriate means.
- f. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than a public road right-of-way. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater if:
  - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development; or
  - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.
- g. At least 20 percent of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.
- h. The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a conditional use that was approved prior to the effective date of Council Bill No. 11-2001 are permitted.

46. **Shooting Ranges - Outdoor Rifle, Pistol, Skeet and Trap**

A conditional use may be granted in the RC or RR Districts for commercial shooting ranges, provided that:

- a. Discharging of firearms shall not be permitted within 500 feet of any property line.

- b. Such range is constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.
- c. A minimum lot area of 75 acres is provided for all rifle and pistol ranges. A minimum of 25 acres shall be provided for all skeet and trap shooting ranges.
- d. The manner and times of operation, the design of the range and the topographic features of the site shall be such that noise and activity from the use will not disturb neighboring residential uses.

**47. Two-family Dwellings and Accessory Apartments**

A conditional use may be granted for two-family dwellings or accessory apartments in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential neighborhood, as demonstrated by architectural elevations or renderings submitted with the petition:

- a. Two-family dwellings: in the RC, RR, R-ED, R-20 or R-12 Districts.
- b. Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12 and R-SC districts. (On lots of 12,000 square feet or larger, this is a permitted use in these districts.)

**48. Used Merchandise, Retail Sale by Non-Profit Organizations**

A conditional use may be granted in the M-1 and M-2 District for the collection, repair, refurbishment, retail sale and distribution of used and/or donated merchandise, provided that:

- a. The facility shall be operated by a non-profit, tax exempt organization;
- b. Sales shall be limited to previously-used and/or donated clothing, furniture, household furnishings, small appliances, books or similar items;
- c. Outdoor drop-off and collection areas shall be screened from surrounding properties and roads by landscaping or other appropriate means; and
- d. All sales and storage areas shall be located inside a building.

**49. Utility Uses, Public**

A conditional use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-MH, R-SI, R-VH, HO, HC, POR, CCT, B-1, B-2, SC, BR, PEC, PGCC, CE, TOD and CAC Districts for the following public utility uses, subject to certain conditions:

- a. Permitted Uses:
  - (1) Utility substations.
  - (2) Above ground pipelines.
  - (3) Pumping stations and compression stations.
  - (4) Telecommunication equipment facilities.

b. **Special Conditions:**

- (1) The proposed location, design and method of operation will not have a detrimental effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.
- (2) The design of proposed buildings and the landscaping treatment of the site will be in harmony with the area.
- (3) The Hearing Authority may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing, for the construction of fences, barriers or other safety devices, for surfacing of access driveways, for shielding of lighting, and/or for landscaping or screening.
- (4) When approving a public utility use, in its discretion, the Hearing Authority may authorize future changes not requiring further Hearing Authority approval. Such changes shall be limited to the addition, relocation, or modification of foundations or equipment, or additions to existing buildings, within a fence line approved by the Hearing Authority.
- (5) When approving a public utility use, the Hearing Authority may approve an accessory commercial communications tower to serve that use.

50. **Wrecked Vehicle Storage (Temporary)**

A conditional use may be granted in the B-2, BR, M-1 or M-2 Districts for the temporary storage of wrecked vehicles, provided that:

- a. Title to the vehicle does not transfer to the operators and owners of the site;
- b. All such vehicles shall be screened from off-site view by walls (including building walls) or fences six to eight feet high, of a design approved by the Hearing Authority. At the Hearing Authority's discretion, landscape planting may be required between the wall and the property line.
- c. The storage area shall be treated as needed to control dust and minimize the runoff of oils and greases;
- d. Dismantling of wrecked vehicles shall not be permitted.

51. **Yard Waste Composting Facility**

A conditional use may be granted in the RC, RR, or M-1 Districts for a yard waste composting facility, provided that:

- a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree and other vegetative refuse including tree stumps, limbs and root mats) shall be received for composting on the site.
- b. In addition to the bulk regulations of the applicable zoning district, the following structure and use setbacks shall apply:
  - (1) From an existing residence on a different lot.....500 feet
  - (2) From adjacent residentially-zoned lots.....300 feet
  - (3) From public street rights-of-way .....100 feet
  - (4) From existing streams and wetlands .....100 feet

- c. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
- d. The operation shall not result in odors which are detectable on surrounding properties.
- e. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.
- f. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
- g. The facility shall be maintained in a clean and sanitary condition. Areas where yard waste or compost is processed, loaded, or unloaded shall be designed and constructed to drain freely to prevent the accumulation of standing liquid.
- h. All liquid, including leachate and storm water runoff, generated from the composting facility shall be collected and treated prior to disposal, in accordance with applicable regulations.
- i. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment and improvements.
- j. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.
- k. The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition shall include a road condition study to allow the Hearing Authority to make this determination.
- l. The conditional use plan submitted with the petition shall show the following:
  - (1) Survey boundaries of the subject property.
  - (2) Existing natural features including streams, ponds, springs, and wetlands.
  - (3) Existing and proposed topography.
  - (4) Setback and buffer area, including type of screening and fencing.
  - (5) Portion of tract to be used for composting operations, including the location and layout of:
    - (a) yard waste unloading, receiving and storage areas;
    - (b) yard waste processing areas, including areas for grinding, screening, mixing and other operations to prepare yard waste for composting;
    - (c) composting areas;
    - (d) compost curing areas;
    - (e) compost final product preparation areas (screening and other operations);
    - and
    - (f) finished compost storage and loading areas.
  - (6) Existing and proposed structures and major mechanical equipment.
  - (7) Existing and proposed access driveways.
  - (8) Water supply (including quantity requirements) and sewage disposal.
  - (9) Storm water management facilities for quantity and quality control.



- (10) Facilities for storage and treatment of leachate and any other liquids generated by the operation.
  - (11) Other existing or proposed uses on the site.
- m. An operations plan shall be submitted by the applicant to enable the Hearing Authority to evaluate the potential impacts of the proposed use. If the petition is approved, substantial changes to the operations plan shall not be implemented without prior approval of the Hearing Authority. The plan shall provide the following information:
- (1) Types, anticipated quantities and sources of yard waste.
  - (2) Methods by which unacceptable wastes delivered to the facility will be identified, segregated, and handled for removal and disposal.
  - (3) Off-site location where unacceptable wastes delivered to the composting facility will be disposed of.
  - (4) Methods by which waste quantities delivered will be determined including weighing facilities to be provided.
  - (5) A description of major items of equipment and associated capacities.
  - (6) A description of proposed buildings and pads for storage, composting and processing.
  - (7) A description of yard waste delivery methods and requirements.
  - (8) A description of incoming yard waste handling and processing methods including processing capacity and storage volume to be provided.
  - (9) A description of the composting process to be utilized including composting capacity to be provided, composting technology, required composting time, and assurance of acceptable level of pathogen reduction.
  - (10) A description of compost curing, handling and processing methods including processing capacity and storage volume to be provided.
  - (11) A description of finished compost storage, distribution and delivery methods and requirements.
  - (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation; methods of insuring public safety; methods of preventing and, if necessary, controlling fires; and methods of collecting and treating liquids generated by the use.
  - (13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.
- n. A rehabilitation plan shall be submitted at the time of the conditional use application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:
- (1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
  - (2) All impervious surfaces shall be removed and properly disposed of. The areas from which the surfaces are removed shall be backfilled with suitable soil and regraded as necessary to provide adequate drainage. All such areas shall be planted in grass which shall be maintained through one year's growth.
  - (3) All yard waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.
  - (4) All access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for

vehicles used in rehabilitation work, until the plan for rehabilitation has been completed and a different use necessitating access has commenced on the property.



## **SECTION 132: Temporary Uses**

### **A. Authorization of Temporary Uses**

The Director of Planning and Zoning shall have the authority to authorize a temporary use of land, in any district, for a period not exceeding 90 days, provided the land shall be entirely cleared of such use within five days after such temporary authority expires. Up to five extensions of the temporary use may be granted by the Director of Planning and Zoning for periods not exceeding 90 days each, up to a maximum limit of one year. The Department of Planning and Zoning may approve such extensions upon written request if there are no modifications of the use and no complaints regarding the temporary use have been received. Requests for extension of a temporary use that involve any use modification or that is the subject of a complaint, will be processed in accordance with the procedures for the original temporary use approval.

### **B. Criteria for Approval**

A temporary use may be approved if the Director of Planning and Zoning determines that:

1. The use will not adversely affect vicinal properties.
2. The use does not require significant or permanent changes to the existing topography, vegetation, structures, or other features of the site.

### **C. Procedures**

The Department of Planning and Zoning shall hold a public hearing on Temporary Use applications in accordance with Section 100.H. Appeals from the decision of the Director of Planning and Zoning shall be to the Hearing Authority on the record. Appeals must be filed within 30 days of the date of the Decision and Order.



## **SECTION 133: Off-Street Parking And Loading Facilities**

### **A. Applicability**

1. Accessory off-street parking and loading facilities shall be provided in accordance with the following regulations for any new structure built or any new use established.
2. An existing structure or use shall not be enlarged unless off-street parking and loading spaces are provided in accordance with the following requirements for the area or capacity of such enlargement.
3. A principal use of a structure or site shall not be changed to a use requiring a greater number of parking or loading spaces unless parking or loading spaces are provided for the new use in accordance with the following requirements.

### **B. Layout and Location**

1. Off-street parking and loading facilities required by these regulations shall be provided on the same lot with such structure or land use, unless parking is provided on a different lot in accordance with this section.
2. Off-street parking and loading spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots; provided said lots are in the same zoning district and are owned in common, or are subject to recorded covenants or easements for parking. For purposes of this section, lots which are divided by a public street right-of-way are not deemed to be adjoining.
3. The location of parking for multifamily residences shall be in accordance with Section 16.120(b) of the Subdivision and Land Development Regulations.
4. Required minimum parking may be provided on a separate lot from the principal use if:
  - a. For residential uses, the location and distribution of parking spaces complies with the Subdivision and Land Development Regulations.
  - b. For nonresidential uses, the major point of pedestrian access to the parking facility is within 400 feet of the entrance to the building;
  - c. The parking facility is within a zoning district in which the use being served by the parking facility is permitted;
  - d. The parking facility is not separated from the use being served by a public street; and
  - e. The parking facility is subject to recorded covenants or easements for parking, or other proof is provided that the continued use of the parking area is guaranteed throughout the life of the land use.

## C. **Design and Use of Off-Street Parking Facilities**

### 1. **Design**

- a. Required off-street parking facilities may be enclosed in a structure or may be open. Structures containing off-street parking shall be subject to the structure setback requirements applicable to the district in which located. Garages and other parking structures shall not be converted to another use unless the minimum parking space requirements of this section are satisfied without the parking structure. Enclosed structures containing off-street parking for employees shall be designed with a first-level entrance and height of at least nine feet, in order to permit the entry and parking of vans used by van pool programs.
- b. All outdoor parking areas shall comply with the minimum parking setback requirements of the applicable zoning district unless a variance is granted. If there is no setback requirement specifically for parking, parking areas shall comply with the required setback for uses.
- c. The design of aisle widths, stall lengths and widths, entrance widths, turning radii, flow patterns, paving, etc., shall conform with standards set forth in the Howard County Design Manual.
- d. Parking provisions for the physically handicapped shall be provided pursuant to the provisions of the Americans with Disabilities Act and the Maryland Accessibility Code.

### 2. **Small Car Parking Spaces**

In off-street parking facilities serving employees of office, flex space, warehouse, manufacturing or research and development uses, where more than 50 parking spaces are provided, as many as 25 percent of the minimum required parking spaces may be designed for small cars. In addition, any off-street parking spaces provided in excess of the minimum number required by these regulations may be small car parking spaces. Small car parking spaces shall be clearly identified and shall comply with the standards of the Howard County Design.

### 3. **Use of Off-Street Parking Facilities**

The minimum requirements of Section 133.D below shall be provided in addition to any area used for parking of vehicles owned by or used in a business. Required off-street parking facilities shall not be used for the display or storage of vehicles which are for sale or rent or are being stored while awaiting repair.

### 4. **Parking Spaces in Single Family Residential Driveways**

Driveways that serve individual single family dwelling units must provide space for at least one vehicle to park without blocking the adjacent sidewalk or street. To accomplish this, driveways that provide access to an individual dwelling unit shall be at least 18 feet long as measured from the garage or end of the parking pad to the edge of the sidewalk. If there is no sidewalk, the driveway shall be measured to the flowline of the street curb.

Exceptions may be made by the Director of the Department of Planning and Zoning for Traditional Residential Neighborhood Developments (Section 128) or for age-restricted adult housing, if required on-site parking and overflow parking is provided and driveways serving

individual units do not exceed 9 feet from the garage to the flowline of the curb regardless of whether there is a sidewalk or not.

#### **D. Minimum Parking Requirements for Specific Uses**

In the following text, “sf” refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. “DPZ” refers to the Department of Planning and Zoning.

##### **Accessory Uses to Residences**

The following parking requirements for accessory uses shall be provided in addition to the required parking for the principal residence

- |  |  |
|--|--|
| a. Accessory apartment   | 1.0 per apartment  |
| b. Home occupations or home-based contractors  | 1.0 space per non-resident employee working on the premises, plus 1.0 space if business-related visitors visit the premises  |
| c. Housing by a resident of one to eight persons who are physically or mentally disabled or 62 years or age or older | One or two persons (other than family members): no spaces<br>3 to 5 persons (other than family members): 1.0 space<br>6 to 8 persons (other than family members): 2.0 spaces |

#### **2. Residential Uses**

- |   |                   |
|---|-------------------|
| a. Dwelling, single-family detached, single family attached, apartment and mobile homes | 2.0 spaces per du |
| b. Age-restricted Adult Housing:  |                   |
| (1) Single-Family Detached and Single-Family attached dwellings                         | 2.0 spaces per du |
| (2) Apartments  | 1.0 spaces per du |

Additionally, overflow/guest parking is required in accordance with Table 2.11 of the Design Manual, Volume III.

#### **3. Office Uses**

- |   |                         |
|---|-------------------------|
| a. General office   | 3.3 spaces per 1,000 sf |
| b. Medical clinic or medical office building in which more than 50% of the floor area is used for medical offices | 5.0 spaces per 1,000 sf |

#### **4. Commercial Uses**

- |   |   |
|---|---|
| a. Banks and similar financial institutions | 5.0 spaces per 1,000 sf   |
| b. Beauty or barber shops                   | 5.0 spaces per 1,000 sf   |
| c. Convenience stores                       | 6.0 spaces per 1,000 sf; however, if ancillary to a gasoline service station, 2.0 spaces per 1,000 sf |



d. Furniture or carpet store	2.5 spaces per 1,000 sf
e. Gasoline service stations without service bays, with or without car washes	3.0 spaces without car wash; 4.0 spaces with car wash
f. Gasoline service stations with service bays	3.0 spaces plus 3.0 spaces per service bay
g. Greenhouses, garden centers and nurseries, retail	6.0 spaces per 1,000 sf plus 1.0 space per 1,000 sf of outdoor display area or greenhouse area - the requirement for outdoor display area shall also apply to outdoor display areas for plants or garden supplies which are accessory to a home improvement or other store.
h. Hotels, motels, bed and breakfast inns and country inns	additional spaces provided shall be as required by this section or as determined by the Director of Planning and Zoning based on a parking needs study provided with the Site Development Plan submission (see Section 133.D.8).
i. Personal service establishments, other than beauty or barber shop (for example, photography studio, optician)	3.3 spaces per 1,000 sf
j. Restaurants, carryout	6.0 spaces per 1,000 sf
k. Restaurants, fast food	14.0 spaces per 1,000 sf
l. Restaurants, standard, and beverage establishments	14.0 spaces per 1,000 sf
m. Retail, general (any retail use other than those specifically listed in this section)	5.0 spaces per 1,000 sf
n. Shopping Centers	5.0 spaces per 1,000 sf for all uses within the shopping center, regardless of the standards for specific uses listed in this section, except that parking for theaters and other public assembly uses and parking for any freestanding buildings on the shopping center site shall be calculated separately.
o. Vehicle sales, rental and ancillary uses	2.0 spaces per 1,000 sf of building area excluding service bays, plus 1.0 space per 1,000 sf of outdoor display area, plus 3.0 spaces per service bay
p. Vehicle service establishments	3.0 spaces plus 3.0 spaces per service bay

## 5. Industrial Uses

a. Warehouse and distribution	0.5 spaces per 1,000 sf
b. Flex Space Hybrid industrial/office space	2.5 spaces per 1,000 sf
c. Other manufacturing uses	1.0 space per employee on the major shift or 2.0 spaces per 1,000 sf, whichever is greater

- |                          |  |
|--------------------------|--|
| d. Self-storage facility | 4.0 spaces per 1,000 sf of office area |
| e. Research laboratories | 2.5 spaces per 1,000 sf                |

## **6. Recreational Uses**

- |  |  |
|--|--|
| a. Bowling Alley   | 4.0 spaces per bowling lane  |
| b. Clubs, lodges and similar uses  | 10.0 spaces per 1,000 sf available to the public plus<br>1.0 space per employee  |
| c. Golf courses  | 8.0 spaces per hole. Calculate spaces for ancillary<br>uses separately.  |
| d. Golf driving range, miniature golf<br>course and baseball batting cages   | 1.5 spaces per tee, hole or cage   |
| e. Health club or spa  | 10.0 spaces per 1,000 sf   |
| f. Pool hall or arcade   | 5.0 spaces per 1,000 sf  |
| g. Skating rink  | 5.0 spaces per 1,000 sf  |
| h. Swimming pool, commercial   | 1.0 space per 4 persons permitted in the pool at one<br>time by the Health Department  |
| i. Swimming pool, community –<br>operated by a community association<br>or nonprofit organization and open<br>only to members and their guests | 1.0 space per 7 persons permitted in the pool at one<br>time by the Health Department  |
| j. Swimming pool, private – in a<br>townhouse or apartment complex   | 1.0 space per 10 persons permitted in the pool at one<br>time by the Health Department   |
| k. Tennis and racquetball clubs  | 6.0 spaces per court, plus 2.0 spaces per 1,000 sf of<br>weight or exercise space plus 1.0 space per 1,000 sf of<br>remaining area |
| l. Theater, auditorium, stadium,<br>conference center or other place of<br>assembly or amusement   | 1.0 space per three fixed seats. If there are no fixed<br>seats, 10.0 spaces per 1,000 sf available to the public.                 |

## **7. Institutional and Other Uses**

- |   |   |
|---|---|
| a. Day care centers   | 3.0 spaces per 1,000 sf   |
| b. Funeral homes  | 10.0 spaces per public viewing room plus 1.0 space<br>per employee  |
| c. Hospitals  | One space per two beds and one per employee on the<br>major shift plus four per doctor treating outpatients on<br>the major shift |
| d. Libraries  | 6.0 spaces per 1,000 sf   |
| e. Museums, art galleries, and similar<br>uses                    | 5.0 spaces per 1,000 sf   |
| f. Nursing homes, residential care<br>facilities and similar uses | 1.0 space per 2 beds  |
| g. Post offices   | 7.0 spaces per 1,000 sf   |

h. Religious activities, structures used primarily for	1.0 spaces per 3 seats in main assembly area. Benches shall be deemed to provide one seat per two feet of length. If there are no fixed seats or benches, 10.0 spaces per 1,000 sf in the main assembly area. The requirement may be reduced by up to 33% if the use is located within 500 feet of the parking facility where sufficient spaces are available by permission of the owner during the time of services. The distance shall be measured between the entrance to the structure and the parking space closest to the entrance.
i. Schools, private academic – elementary and middle	1.0 space per 6 students. The Director of DPZ may require additional spaces based on the capacity of assembly areas or other facilities.
j. Schools, private academic – secondary, colleges, universities	1.0 space per 3 students. The Director of DPZ may require additional spaces based on the capacity of assembly areas or other facilities.
q. Personal service establishments, other than beauty or barber shop (for example, photography studio, optician)	3.3 spaces per 1,000 sf
r. Restaurants, carryout	6.0 spaces per 1,000 sf
s. Restaurants, fast food	14.0 spaces per 1,000 sf
t. Restaurants, standard, and beverage establishments	14.0 spaces per 1,000 sf
u. Retail, general (any retail use other than those specifically listed in this section)	5.0 spaces per 1,000 sf
v. Shopping Centers	5.0 spaces per 1,000 sf for all uses within the shopping center, regardless of the standards for specific uses listed in this section, except that parking for theaters and other public assembly uses and parking for any freestanding buildings on the shopping center site shall be calculated separately.
w. Vehicle sales, rental and ancillary uses	2.0 spaces per 1,000 sf of building area excluding service bays, plus 1.0 space per 1,000 sf of outdoor display area, plus 3.0 spaces per service bay
x. Vehicle service establishments	3.0 spaces plus 3.0 spaces per service bay

## 8. Other Uses

Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed above or parking requirements which are different from the requirements listed above may be determined in each case by the Department of Planning and Zoning, which shall consider comments from other county agencies and all factors entering into the parking needs of each such use. An applicant for a Site Development Plan for a use not included in the categories listed above, or for a use for which the applicant proposes a parking

standard different from the requirement listed above, shall submit a parking needs study as part of the site development application. The parking needs study shall include:

- a. An estimate of the parking needs for the use;
- b. A thorough explanation of the basis of the estimate;
- c. Any data used in calculating the estimate, including parking generation studies, previous experience with similar uses, or other information.

**E. Permitted Reductions in Off-street Parking Requirements**

**1. Shared Parking Adjustment**

- a. Two or more uses shall be permitted to share their off-street parking spaces in a common facility if the hours or days of peak parking are so different that a lower total will provide adequately for all uses served by the facility, without conflict or encroachment. To ensure that no conflict or encroachment occurs, shared parking spaces for such uses shall be provided according to the following table.

	Weekday				Weekend		Nighttime
	Morning 6am-8am	Mid-day 8am-3pm	Afternoon 3pm-5pm	Evening 5pm-mid	Daytime 6am-6pm	Evening 6pm-mid	Mid- 6am
Residential	80%	60%	60%	100%	100%	100%	100%
Office or industrial	80%	100%	100%	10%	10%	5%	5%
Retail	20%	60%	60%	90%	100%	70%	5%
Hotel or Motel	75%	75%	75%	100%	75%	100%	100%
Restaurant (not fast food)	50%	50%	50%	100%	100%	100%	10%
Theater, commercial recreation, nightclub, or restaurant with entertainment	40%	40%	40%	100%	80%	100%	10%

Shared parking for uses not included in categories listed above shall be as determined by the Department of Planning and Zoning, based on a parking needs study submitted by the applicant for a Site Development Plan as described in paragraph D.8 above.

- b. Method of calculation

Step 1) - For each of the 7 time periods, multiply the minimum number of parking spaces required by Section 133.D for each use (including any ride sharing adjustments) by the corresponding percentage in the table.

Step 2) - Add the result of each column. The required number of off-street parking spaces shall equal the highest column total.

c. Conditions of approval

- (1) Reserved or otherwise restricted parking spaces shall not be shared.
- (2) The land uses served by the shared parking facility shall be in single ownership, or may be approved for multiple ownership by the Director of Planning and Zoning based on satisfactory guarantees for the continued operation and proper maintenance of the shared parking facility.
- (3) Penalties for non-compliance - Failure to maintain off-street parking spaces in accordance with the requirements of (1) and (2) above is a violation of these regulations.

2. **Trip Reduction Plans**

The required number of off-street parking spaces for an office or industrial use may be reduced according to either subsection a or b below if all employers occupying a site have at least 100 employees on the site.

- a. The number of required spaces may be reduced by 20 percent if all employers occupying the site are subject to trip reduction plans which have been approved by the Maryland Department of the Environment.
- b. If a trip reduction plan has not been approved by the Maryland Department of the Environment, the number of required spaces may be reduced by 10 percent if all employers occupying the site participate in a ride sharing program which includes the following elements:
  - (1) Active participation in a regional ridesharing program administered by the State of Maryland or Howard County.
  - (2) Designation of an in-house Ride Sharing Coordinator to periodically interact with the regional ridesharing program and to promote the program internally to the employees.
  - (3) Establishment of an in-house carpool promotion and matching program and provision of maps, displays and materials as are necessary to inform employees of its availability.
  - (4) Reservation of at least 10 percent of all parking spaces for car pools or van pools in a location indicated on the approved Site Development Plan.
- c. The parking space reductions allowed by this section shall not be granted unless the property owner demonstrates that, in the event that a trip reduction plan or ride sharing plan becomes inoperative, it will be feasible to construct or lease the additional required spaces.
- d. If the criteria for reduction of the parking requirements are not being met, the property owner or leasee shall construct or lease additional parking spaces equal in number to the reduction granted.

F. **Off-Street Loading Facilities**

Off-street loading and unloading facilities as defined in these regulations and located on the same site with the use to be served, shall be provided for retail and service business establishments, restaurants and other places serving food and beverages, manufacturing, wholesale business, storage warehouses and other commercial establishments. Loading facilities shall be:

1. Separate from parking spaces and driveways serving parking spaces,
2. Located and designed so as not to impede vehicular or pedestrian circulation, and
3. Located in compliance with the structure and use setback requirements for the applicable zoning district, unless a variance is granted.



## **SECTION 134: Outdoor Lighting**

### **A. Purpose**

This Section is intended to minimize the problems caused by improperly designed and installed outdoor lighting.

Improperly designed outdoor lighting can cause glare, defined as light emitted with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness. Glare can create a nuisance or hazard for users of neighboring properties and for motorists or pedestrians on public streets. In addition, light that crosses a property boundary, particularly from a nonresidential to a residential property, can cause a nuisance by reducing nighttime privacy. These requirements are adopted to minimize glare from outdoor lighting and reduce the spillover of light beyond the area for which it is intended.

### **B. Applicability**

The requirements of this Section apply to lighting in the following locations, not including lighting of public streets:

1. Outdoor lighting of land in the HO, HC, POR, PEC, OT, CC, CCT, B-1, B-2, SC, BR, M-1, M-2 SW, CE, CLI, TOD and CAC Districts; and
2. Outdoor lighting of land designated for commercial, industrial, employment or open space uses in the NT, PGCC or MXD Districts; and
3. In residential districts:
  - a. Outdoor lighting of parking or loading areas; and
  - b. On the site of an approved conditional use, outdoor lighting for parking or loading areas as well as other areas for which the decision of the Hearing Authority requires that these lighting standards be applied.

### **C. Allowed Outdoor Lighting**

Any lighting used to illuminate off-street parking areas shall be so arranged as to direct the light down, towards the parking area, and away from the adjoining lots in residential districts and any public street right-of-way.

Outdoor lighting shall be limited to the following types of fixtures. In these requirements, the term “lamp” refers to the component of the light fixture that produces the light.

#### **1. Shielded Lights**

With the exception of spotlights and low intensity lights as defined below, all light fixtures shall be fully or partially shielded.

- a. A fully shielded fixture is constructed and installed in such a manner that no light is emitted above a horizontal plane through the lowest part of the lamp, as certified by the lighting manufacturer or a photometric test report.



- b. A partially shielded fixture is constructed and installed in such a manner that less than 2.5 percent of the light is projected above a horizontal plane through the lowest part of the lamp, as certified by the lighting manufacturer or a photometric test report.

## 2. Spotlights

A spotlight concentrates the light into a directed beam aimed in a particular direction. Spotlights are allowed subject to the following:

- a. The light shall be directed only onto the facade of a building or sign on the same lot.
- b. Facades and signs located less than 50 feet from a residential district shall not be illuminated by a spotlight.
- c. The lamp shall be shielded on the rear and sides by a material that fully blocks light. This shield shall extend at least 6 inches in front of the lamp.
- d. The width of the front opening of the light shield shall be no more than the length of the shield.

## 3. Low Intensity Lights

Light fixtures with the following characteristics are permitted without cutoff shields:

- a. The lamp(s) housed by the fixture do not emit a total of more than 16,000 lumens for freestanding fixtures, or 10,000 lumens for fixtures attached to structures, based on the manufacturer's lumen rating for the initial light output of the lamp(s).
- b. The lamp is no more than 14 feet above ground level for freestanding fixtures, or 8 feet above ground level for fixtures attached to structures.
- c. For fixtures with shields or other design features to direct the light, the light is not directed toward adjacent properties or public streets.
- d. The surface of either the lamp or the fixture enclosing the lamp is frosted or translucent rather than transparent.

## D. Light Trespass

Light trespass from a property subject to the requirements of this section shall be limited as provided below. Light trespass shall be measured in vertical foot-candles three feet above ground level at the property line.

- 1. Light trespass onto a property in the RC, RR, R-ED, R-20, R-12, or R-SC district, or onto a property in the NT, PGCC or MXD districts designated for development of equivalent land uses and densities, shall be limited to 0.1 foot candles.
- 2. Light trespass onto any other property zoned or used for residential purposes shall be limited to 0.5 foot candles.
- 3. The light trespass limits shall not apply to land within a public street right-of-way or developed for non-residential uses.

**E. Approval of Alternative Lighting Plans**

Designs or locations for light fixtures that do not comply with the requirements of Subsections C and D above but fulfill the purposes of this section may be approved by the Director of Planning and Zoning. A request for such approval may be part of a Site Development Plan submittal, must indicate the type, location, lumen rating and height of the fixture, and must demonstrate how the purposes outlined in Section 134.A. will be met. Alternatives that may be approved as meeting the purposes of this section include:

1. Fixtures that will not be visible at any point along the boundaries of the lot on which they are located due to the location of buildings or walls, topography, or similar visual barriers;
2. Lighting that will have minimal off-site impact due to the distance of the fixtures from roads and neighboring properties;
3. Fixtures that incorporate additional shielding or other features to prevent off-site impacts; or
4. Lighting plans demonstrating other factors that will prevent glare and light spillover.

**F. Exceptions**

The following types of lighting are exempt from Section 134:

1. Hazard warning lights required by local, state and federal regulatory agencies.
2. Temporary emergency lighting for use by fire, police or other emergency service agencies.

**G. Noncomplying Outdoor Lighting**

1. Existing lighting that complied with the requirements in effect at the time it was installed may remain.
2. When site development plan approval is required for alterations to existing improvements, lighting fixtures on the portion of the site impacted by the alterations must be brought into compliance with Section 134 to the extent possible.
3. When existing lighting is moved or replaced, the installed fixture must comply with the requirements of Section 134.

